Also, petition of the Wholesale Liquor Dealers' Association of Pennsylvania, for enactment of bill H. R. 4490—to the Committee on Ways and Means.

By Mr. SMITH of Arizona: Paper to accompany bill for relief of Warren Windham—to the Committee on War Claims.

By Mr. SMITH of California: Petition of citizens of California, for an amendment of Chinese-exclusion laws to prevent conflict between such laws and our treaty with China—to the Committee on Foreign Affairs.

By Mr. STERLING: Petition of L. S. Holderman, for legislation providing for reciprocal demurrage—to the Committee on Interstate and Foreign Commerce.

By Mr. WEBBER: Papers to accompany bill granting an increase of pension to Charles B. Spring, of Elyria, Ohio—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *January 29, 1907.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CARTER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SENATOR FROM KANSAS.

Mr. LONG. Mr. President, I present the credentials of Hon. Charles Curtis, elected by the legislature of Kansas to fill the vacancy caused by the resignation of Senator J. R. Burton.

The VICE-PRESIDENT. The credentials will be read by the Secretary.

The Secretary read the credentials of Charles Curtis, chosen by the legislature of the State of Kansas a Senator from that State for the unexpired term of J. R. Burton, ending March 3, 1907; which were read and ordered to be filed.

Mr. LONG. The Senator-elect is present and ready to take the oath of office.

The VICE-PRESIDENT. The Senator-elect will present himself at the Vice-President's desk and take the oath prescribed by law.

Mr. Curtis was escorted to the Vice-President's desk by Mr. LONG, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

CHIPPEWA INDIAN LANDS IN MINNESOTA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a detailed report of the Director of the Geological Survey on the drainage survey of lands ceded by the Chippewa Indians in the State of Minnesota which remain unsold and are wet, overflowed, or swampy in character, etc.; which, with the accompanying papers and maps, was referred to the Committee on the Public Lands, and ordered to be printed.

OHIO RIVER IMPROVEMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 23d instant, an indorsement by the Chief of Engineers, United States Army, relative to the transmission of the report of the special board authorized under the river and harbor act of 1905 on the Ohio River; which was referred to the Committee on Commerce, and ordered to be printed.

ENROLLMENT OF POTTAWATOMIE INDIANS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation for inclusion in the Indian appropriation bill for expenses incident to making an enrollment of the Pottawatomie Indians of Wisconsin, under the requirement of the act of June 21, 1906, $2,500; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 3702. An act for the relief of the Gurley Memorial Presbyterian Church, of the District of Columbia, and for other purposes;

S. 7028. An act for the relief of the Allis-Chalmers Company, of Milwaukee, Wis.;

S. 7147. An act to amend section 2536 of the Revised Statutes, relative to assistant appraisers at the port of New York, and further defining their powers, duties, and compensation;

S. 7827. An act permitting the building of a railway bridge across the Mississippi River in Morrison County, State of Minnesota; and

S. 8014. An act to authorize The National Safe Deposit, Savings and Trust Company of the District of Columbia, to change its name to that of National Savings and Trust Company.

The message also announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

S. 4267. An act to prohibit the sale of intoxicating liquors near the Government Hospital for the Insane and the Home for the Aged and Infirm;

S. 5698. An act to regulate the practice of veterinary medicine in the District of Columbia;

S. 6338. An act to amend section 2 of an act entitled "An act to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington;"

S. 6470. An act in relation to the Washington Market Company; and

S. 7170. An act to amend an act relating to service on foreign corporations, approved June 30, 1902, entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia.'"

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9577) for the relief of Charles H. Stockley.

The message also announced that the House had agreed to the amendments of the Senate to the amendments of the House to the joint resolution (S. R. 86) granting an extension of time to certain homestead entrymen.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

H. R. 129. An act for the opening of a connecting parkway along Piney Branch between Sixteenth street and Rock Creek Park, District of Columbia;

H. R. 9326. An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street;

H. R. 12690. An act to define the term of "registered nurse" and to provide for the registration of nurses in the District of Columbia;

H. R. 14897. An act to protect the streets of the city of Washington;

H. R. 17212. An act to amend an act to incorporate the Supreme Lodge of the Knights of Pythias;

H. R. 21684. An act to amend section 2 of an act entitled "An act regulating the retent on contracts with the District of Columbia," approved March 21, 1906;

H. R. 22350. An act to authorize the recorder of deeds of the District of Columbia to recopy old records in his office, and for other purposes;

H. R. 23384. An act to amend an act entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,' regulating proceedings for condemnation of land for streets;"

H. R. 23830. An act governing the maintenance of stock yards, slaughterhouses, and packing houses in the District of Columbia;

H. R. 23940. An act for the extension of Albemarle street NW., District of Columbia;

H. R. 23941. An act to amend section 14 of the act approved July 29, 1892, entitled "An act for the preservation of the public peace and the protection of property within the District of Columbia;"

H. R. 24746. An act for free lectures;

H. R. 24932. An act for the extension of School street NW.;

H. R. 25013. An act granting to the regents of the University of Oklahoma section No. 36, in township No. 9 north, of range No. 3 west, of the Indian meridian, in Cleveland County, Okla.; and

H. J. Res. 231. Joint resolution authorizing the Secretary of War to sell certain hay, straw, and grain at Fort Assiniboine.

The message further announced that the House insists upon its amendments to the bill (S. 6364) to incorporate the National Child Labor Committee, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TAYLOR of Ohio, Mr. SAMUEL W. SMITH, and Mr. SIMS managers at the conference on the part of the House.

The message also announced that the House had passed a concurrent resolution providing for the printing of 6,000 copies of the report of the Postal Commission appointed under the provisions of the act making appropriations for the service of the Post-Office Department, approved June 26, 1906, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following bills and joint resolutions; and they were thereupon signed by the Vice-President:

S. 549. An act granting a pension to Louis T. Frech;

S. 1160. An act to correct the military record of John McKinnon, alias John Mack;

S. 1178. An act providing for the resurvey of a township of land in Colorado;

S. 1879. An act granting an increase of pension to Lorenzo F. Harmon;

S. 2565. An act granting a pension to William P. Parrill;

S. 4350. An act for the relief of Arthur A. Underwood;

S. 4404. An act granting an increase of pension to Elizabeth B. Boyle;

S. 4819. An act for the relief of M. A. Johnson;

S. 5672. An act granting an increase of pension to Felix G. Murphy;

S. 6226. An act granting an increase of pension to Mary A. Mickler;

S. 6510. An act granting an increase of pension to Sarah R. Williams;

S. 7096. An act granting an increase of pension to Margaret McCullough;

S. 7177. An act granting an increase of pension to Melvin L. Le Suer, alias James French;

S. 7827. An act permitting the building of a railway bridge across the Mississippi River in Morrison County, State of Minnesota;

H. J. Res. 230. Joint resolution continuing the Postal Commission until the close of the present session of Congress; and

H. J. Res. 231. Joint resolution authorizing the Secretary of War to sell certain hay, straw, and grain at Fort Assinniboine.

PETITIONS AND MEMORIALS.

Mr. SMOOT presented a petition of the city council of Salt Lake City, Utah, praying for the enactment of legislation granting a right of way for a boulevard through the Fort Douglas Military Reservation; which was referred to the Committee on Military Affairs.

Mr. NELSON presented petitions of sundry citizens of Faribault and Atwater, in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Minnesota, praying for the adoption of certain amendments to the free-alcohol law; which were referred to the Committee on Finance.

Mr. MILLARD presented a petition of the house of representatives of the State of Nebraska, praying for the enactment of legislation providing for the imposition of an income tax; which was referred to the Committee on Finance.

Mr. DEPEW presented petitions of sundry citizens of Cherry Creek, Poplar Ridge, Corning, and Mahopac Falls, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. HEYBURN presented a memorial of 78 citizens of Moscow, Idaho, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. DU PONT. I present a joint resolution of the general assembly of Delaware, praying for the enactment of legislation authorizing the appointment of Lieut. Col. Harry G. Cavenaugh, United States Army, retired, on the retired list of the Army with the rank of brigadier-general. I ask that the joint resolution be read and referred to the Committee on Military Affairs.

There being no objection, the joint resolution was read and referred to the Committee on Military Affairs, as follows:

House joint resolution No. 4.

Be it resolved by the senate and house of representatives of the State of Delaware in general assembly met, That the Congress of the United States be requested to pass the necessary legislation that will place Lieut. Col. Harry G. Cavenaugh, United States Army, retired, on the retired list of the United States Army as a brigadier-general; and be it further

Resolved, That our Senators and Representatives in Congress be presented with a certified copy of this resolution, and that they be urgently requested to do all in their power to further the object and intent of this resolution.

RICHARD HODGSON,
Speaker of the House of Representatives.
ISAAC T. PARKER,
President of the Senate.

Approved this the 21st day of January, A. D. 1907.

PRESTON LEA, *Governor.*

STATE OF DELAWARE,
OFFICE OF SECRETARY OF STATE.

I, Joseph L. Cahall, secretary of state of the State of Delaware, do hereby certify that the above and foregoing is a true and correct copy of house joint resolution No. 4, approved January 21, 1907, as the same appears on file in this office.

In testimony whereof I have hereunto set my hand and official seal, at Dover, this 21st day of January, in the year of our Lord 1907.

[SEAL.] JOSEPH L. CAHALL,
Secretary of State.

Mr. DU PONT presented a petition of sundry citizens of Newcastle, Del., praying for the enactment of legislation providing for the establishment of a fish-hatching and fish-cultural station in the county of Newcastle, in that State; which was referred to the Committee on Fisheries.

Mr. BURKETT presented a petition of sundry citizens of Springranch, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the house of representatives of Nebraska, praying for the enactment of legislation providing for the imposition of an income tax; which was referred to the Committee on Finance.

Mr. DICK presented petitions of sundry citizens of Alliance, Cincinnati, Cleveland, Dayton, Sandusky, Springfield, and Toledo, all in the State of Ohio, praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented petitions of Capt. William M. Scofield, of Cleveland, Ohio; Capt. Worthington Kautzman, of Columbus, Ohio; Capt. James J. Erwin, of Florida; Capt. Richard J. Fanning, of Cleveland, Ohio; Lieut. Ira J. Morrison, of Columbus, Ohio; Lieut. George H. Wood, of Dayton, Ohio, and Lieut. Victor J. Bergstrom, of Minnesota, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which were referred to the Committee on Claims.

He also presented petitions of sundry business firms of Ashland, Akron, Bryan, Canal Fulton, Canton, Cleveland, Chagrin Falls, Columbus, Lancaster, Mansfield, Medina, Piqua, Painesville, and Sidney, all in the State of Ohio, praying that an appropriation be made for the construction of a deep waterway from the Lakes to the Gulf; which were referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Toledo, Delaware, New Berlin, Mount Vernon, Bellville, Cleveland, Urbana, and Gratiot, all in the State of Ohio, praying for the enactment of legislation to modify the present postal fraud-order law; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry publishers of Cadiz, Painesville, Cleveland, Columbus, and Canton, all in the State of Ohio, and of sundry publishers of Philadelphia, Pa., remonstrating against the enactment of legislation increasing the rates of postage on second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the J. T. Wamelink & Sons Piano Company and the Gottdiner & Wicht Company, of Cleveland; of the talking-machine stores of Lorain County, and of Miller's musical store, of Springfield, all in the State of Ohio, remonstrating against the adoption of certain amendments to the present copyright law; which were referred to the Committee on Patents.

He also presented memorials of sundry citizens of Akron, Bellevue, Botkins, Whitstone, Coshocton, Chandon, Winchester, Creston, Dresden, Fremont, Greenville, and Hamilton, all in the State of Ohio, remonstrating against the ruling of the Interstate Commerce Commission relative to prohibiting newspapers from contracting with railroad companies for transportation in exchange for advertising; which were referred to the Committee on Interstate Commerce.

He also presented memorials of L. A. Dozer, of Bucyrus; of W. N. Breuner, of Cincinnati; of George M. Edmondson, of Cleveland; of A. L. Bowersox, of Dayton; of I. B. Stanton, of Findlay; of C. S. Battham, of Norwalk, and of the Lens and Brush Club, of Toledo, all in the State of Ohio, remonstrating against the adoption of a certain amendment to the copyright bill relative to the reproduction of photographs in newspapers; which were referred to the Committee on Patents.

Mr. CULBERSON presented a petition of sundry citizens of Llano, Tex., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented the petition of Harriet Cooke, of Texas, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

Mr. McCREARY presented a petition of the Woman's Christian Temperance Union of Columbus, Ky., and a petition of sundry citizens of Middlesboro, Ky., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PILES presented petitions of sundry citizens of Roy and Olympia, of the Woman's Christian Temperance Union of Port Orchard, and of the Woman's Christian Temperance Union of Ostrander, all in the State of Washington, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PETTUS presented the petition of Daniel Carroll, of Tuscaloosa County, Ala., praying for the reference of his claim to the Court of Claims; which was referred to the Committee on Claims.

He also presented the petition of John H. Cummins, of Pickens County, Ala., praying for the reference of his claim to the Court of Claims; which was referred to the Committee on Claims.

Mr. PENROSE presented sundry papers to accompany the bill (S. 1613) granting a pension to Rebecca L. Price; which were referred to the Committee on Pensions.

Mr. GALLINGER presented a petition of sundry citizens of Manchester, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. LONG presented a paper to accompany the bill (S. 7792) granting an increase of pension to Maria W. Howe; which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Chautauqua, Cowley, and McPherson counties, all in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. DANIEL presented a memorial of the Game Protective Association of Virginia, remonstrating against the abolishment of the Division of Biological Survey, in the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Clearing House Association, of Norfolk, Va., praying for the enactment of legislation for the issue and redemption of national bank guaranteed credit notes; which was referred to the Committee on Finance.

BUSINESS OF THE SESSION.

Mr. HALE. Mr. President, what I am going to say I think the entire Senate is interested in. We have now remaining of the session two business days in January, twenty-three in February, and two in March, in all twenty-seven working days. There is not a single one of the appropriation bills that has become a law. Within these twenty-six or twenty-seven days Congress will have to appropriate something like $800,000,000 of the revenues of the Government in appropriation bills, and not one of those bills, as I said, has passed.

There has never been in my experience a condition where these necessary bills are so far behind as this year. There is no fault that can be laid to any committee, because as fast as the bills are received from the House they are taken up by the committees here and reported to this body. The Committee on Appropriations had two of these bills lately from the House, and within three or four days of the time of receiving them they met and considered them and reported them to the Senate. There are two of these bills now before the Senate.

I gave notice yesterday that this morning I would ask the Senate at the close of the morning business to take up the diplomatic and consular appropriation bill and get it out of the way. I have no more interest nor have the members of the Committee on Appropriations any more interest in having this necessary business done than every other Senator. But the Committee on Appropriations and the other committees having charge of the appropriation bills are met by propositions that consume all the time. We can not get these bills before the Senate. The Senator from Indiana [Mr. BEVERIDGE] has consumed, to the pleasure and profit of the Senate, the best of two days and wants another day. I find on looking at the RECORD that to-day has been substantially confiscated by a unanimous-consent agreement of the Senate that when the Senator from Indiana is through, not that an appropriation bill shall be taken up, but that the Senator from Montana [Mr. CARTER] shall proceed to further instruct and please the Senate by another speech.

I call the attention of the Senate to the fact that by these unanimous-consent agreements the appropriation bills are left in the rear. I am powerless. I can not for one be here always because of the business of the Committee on Appropriations; I am a large part of the day in the committee room; neither can the chairman nor any member of the committee always be here to prevent such unanimous-consent agreements. I do not like, and no Senator likes, to be disagreeable and interfere with Senators who desire to speak, but the business must be done. Yesterday morning the Senator from New Hampshire [Mr. GALLINGER], in charge of an important bill, ventured to suggest that possibly legislation is of more importance than speech making, but I doubt very much whether the Senate would agree to that proposition.

I am inclined and I am tempted to say that, not being able to be here and the members of the Committee on Appropriations not being able to be here at all times, I can not be bound hereafter, for one, by any unanimous-consent agreement that the time of the Senate shall be taken up when appropriation bills are ready.

I think it is proper to make this statement so that Senators will realize the danger we are in, with only some twenty-five working days and not a single appropriation bill passed. It is absolutely necessary that they should be passed, and some of them involve matters that will give rise to quite extensive debate. We ought to take them up.

There is one remedy, and we shall soon have to resort to it. I hope Senators will bear that in mind. I thought of moving that the Senate would to-day take a recess from 6 o'clock to 8, in order to attend to business, or if the making of speeches is of more importance than that, to listen to speeches and get rid of some of the things that are blocking the way. But I do not think it would be hardly fair, in view of the convenience of Senators, to do that for to-night, but I think to-morrow, unless the appropriation bills are considered and proceeded with, I or the chairman or any other member of the committee will move for a night session. We shall soon be confronted with a condition where it will be necessary to have frequent night sessions, night after night, for Senators must remember that not one of these great bills has yet been before the Senate, except the legislative, executive, and judicial appropriation bill.

I have thought it proper to lay this statement before the Senate and to appeal to the Senate to stand by the Committee on Appropriations and the other great committees that have charge of appropriation bills in getting them out of the way. If not, we will run into what we did not last year, because there we were at liberty to extend the session. We will run into the 4th of March and be in danger of being called together in extra session.

Mr. BEVERIDGE. Mr. President, I wish to say only one word after what the Senator from Maine has said. In common with the whole Senate I very heartily agree with him, and I want to thank the Senator personally for his courtesy and kindness in not invoking the rule which gives the appropriation bills the right of way to-day, if he wishes to do so.

I wish to say in reference to my own speech that, first of all, it has not been a speech. It has been a presentation of certain evidence and a reference to certain laws on a matter of very great public consequence that is before the Senate and the country.

Furthermore, I call the Senator's attention to the fact that, so far as I am concerned, up to last Wednesday I had not occupied one moment of the time of the Senate at the present session. I think fully half of the time of the Senate has been taken up with a discussion of the Brownsville affair. Even in this case I had given notice of making my remarks to the Senate two weeks ago, and I did not do it at the request of the Senator from Iowa [Mr. DOLLIVER], who is the chairman of the committee having the bill in charge, and who was necessarily absent. After that there was the death of a member of this body and other things that interfered, which ran this matter over. The Senator will remember that the day when I expected to take the floor the appropriation bill was considered——

Mr. HALE. I am interested in what the Senator is saying. The Senator from Indiana will bear in mind that I do not propose to interfere with him.

Mr. BEVERIDGE. I do. I say I heartily agree with every word the Senator has said. I only want to call attention to the fact that the rather extended remarks which I am submitting are due to the importance of laying the full facts before the Senate.

Mr. HALE. I hope I shall be able later in the day to get up one of the appropriation bills. I shall try to do so.

Mr. BEVERIDGE. I am very much obliged to the Senator for his kindness.

MISSISSIPPI RIVER BRIDGE.

Mr. HOPKINS. I am directed by the Committee on Commerce, to whom was referred the bill (S. 7760) to authorize the

Albany Railroad Bridge Company or the Chicago and Northwestern Railway Company to reconstruct a bridge across the Mississippi River, to report it favorably with amendments, and I submit a report thereon. I ask unanimous consent for the immediate consideration of the bill.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment of the Committee on Commerce was, on page 2, to strike out all of section 2 in the following words:

SEC. 2. That for the purpose of carrying into effect the objects of this act said Albany Railroad Bridge Company or said Chicago and Northwestern Railway Company, and their successors and assigns, may receive, purchase, and also acquire by lawful appropriation and condemnation in the States of Illinois and Iowa, upon making proper compensation, to be ascertained according to the laws of the State within which the same is located, real and personal property and rights of property, and may make any and every use of the same necessary and proper for the enlargement of said existing bridge or for the construction, maintenance, and operation of the new bridge and approaches, consistently with the laws of the United States and of said States, respectively.

The amendment was agreed to.

The next amendment was, in section 3 (2) on page 2, line 20, after the word "That," to strike out the words "the privileges conferred hereunder shall cease" and insert "this act shall be null and void;" so as to read:

That this act shall be null and void unless the work of enlarging or replacing said bridge is begun within two years and is completed within five years from the date of the passage of this act.

The amendment was agreed to.

The VICE-PRESIDENT. The sections will be renumbered to correspond with the section stricken out.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

IMMIGRATION STATION AT NEW ORLEANS.

Mr. DILLINGHAM. I am directed by the Committee on Immigration, to whom was referred the bill (S. 7247) to provide for the establishment of an immigrant station at New Orleans, in the State of Louisiana, and the erection in said city, on a site to be selected for said station, of a public building, to report it favorably with amendments, and I submit a report thereon.

Mr. McENERY. I ask for the present consideration of the bill just reported from the Committee on Immigration.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment of the Committee on Immigration was, in section 1, line 9, to strike out the words "Secretary of the Treasury" and insert in lieu thereof the words "Government of the United States;" so as to make the section read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to establish an immigration station at the city of New Orleans, in the State of Louisiana; and to cause to be erected on a site to be selected a public building to temporarily accommodate and care for immigrants arriving at said city: *Provided*, That the land and dock room necessary for said station and building be transferred to the Government of the United States free of any cost to the United States.

The amendment was agreed to.

The next amendment was, in section 2, page 1, line 12, to strike out the words "out of any money in the Treasury not otherwise appropriated" and insert in lieu thereof the words "which sum shall be paid from the permanent appropriation for expenses of regulating immigration."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 7773) for the relief of George M. Stackhouse, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. PLATT, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13895) to correct the naval record of Michael Sheehan;

A bill (H. R. 5651) for the relief of William H. Beall;

A bill (H. R. 14634) for the relief of George H. Chase;

A bill (H. R. 18380) to complete the naval record of Charles W. Held; and

A bill (S. 7163) to correct the naval record of Alfred Burgess.

Mr. MILLARD, from the Committee on Interoceanic Canals, reported an amendment proposing to appropriate $1,500, to pay George R. Butlin, J. B. Haynes, and Ernst H. Djureen $500 each for services rendered in the preparation of an analytical index to testimony taken before the Senate Committee on Interoceanic Canals, intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations, and be printed; which was agreed to.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (S. 6906) to provide for the incorporation of banks within the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. KITTREDGE, from the Committee on Patents, to whom the subject was referred, reported a bill (S. 8190) to consolidate and revise the acts respecting copyright; which was read twice by its title.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. KITTREDGE. I am also directed by the committee to ask that 2,000 additional copies of the bill be printed for the use of the Senate.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (H. R. 9877) for the relief of James P. Barney, reported it without amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 19312) to authorize the Mingo-Martin Coal Land Company to construct a bridge across Tug Fork of Big Sandy River at or near mouth of Wolf Creek, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 7894) to amend an act entitled "An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County," approved March 14, 1904, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 24109) to authorize the Norfolk and Western Railway Company to construct sundry bridges across the Tug Fork of the Big Sandy River, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was recommitted the bill (H. R. 23218) to authorize the Kentucky and West Virginia Bridge Company to construct a bridge across the Tug Fork of Big Sandy River at or near Williamson, in Mingo County, W. Va., to a point on the east side of said river in Pike County, Ky., reported it without amendment.

Mr. BERRY. I am directed by the Committee on Commerce to whom was referred the bill (H. R. 21197) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, by extending the provisions of the first section thereof to the port of Brunswick, Ga., to report it favorably without amendment.

Mr. CLAY. I ask unanimous consent for the immediate consideration of the bill.

Mr. ALDRICH. I feel constrained to object to any unanimous consent being given in the present condition of the public business.

The VICE-PRESIDENT. Objection is made and the bill will be placed on the Calendar.

Mr. DICK, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7741) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Pay Clerk Walter Delafield Bollard, United States Navy;

A bill (H. R. 18007) to authorize the appointment of Acting Asst. Surg. Julian Taylor Miller, United States Navy, as an assistant surgeon in the United States Navy;

A bill (S. 6447) to authorize the appointment of Acting Asst. Surg. George R. Plummer, United States Navy, as an assistant surgeon in the United States Navy; and

A bill (H. R. 22291) to authorize the reappointment of Harry McL. P. Huse as an officer of the line in the Navy.

Mr. DICK, from the Committee on Naval Affairs, to whom was referred the bill (S. 2400) to correct the naval record of Peter H. Brodie, alias Patrick Torbett, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the

bill (H. R. 7676) authorizing the appointment of Allen V. Reed, now a captain on the retired list of the Navy, as a commodore on the retired list of the Navy, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 264) to correct the naval record of Charles Specht, alias Charles Spaert; and

A bill (S. 1651) to correct the naval record of John Linsay.

Mr. NELSON, from the Committee on the Judiciary, to whom was recommitted the bill (H. R. 15434) to regulate appeals in criminal prosecutions, reported it with an amendment, and submitted a report thereon.

Mr. BACON, from the Committee on the Judiciary, to whom was referred the bill (S. 7812) to amend section 591 of the Revised Statutes of the United States, relative to the assignment of district judges to perform the duties of a disabled judge, reported it with an amendment and submitted a report thereon.

Mr. OVERMAN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon;

A bill (H. R. 6417) for the relief of T. J. H. Harris;

A bill (H. R. 9132) for the relief of the legal representatives of Benjamin F. Pettit;

A bill (H. R. 9131) for the relief of the legal representatives of Charles D. Southerlin;

A bill (H. R. 10595) for the relief of Nye & Schneider Company;

A bill (H. R. 9289) for the relief of the Mitsui Bussan Kaisha;

A bill (H. R. 6418) for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894 and 1895; and

A bill (H. R. 10015) for the relief of the estate of Capt. Charles E. Russell, deceased.

SENATORS FROM OREGON AND KANSAS.

Mr. KEAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the contingent fund of the Senate to the Hon. John M. Gearin the sum of $83.33, and to the Hon. A. W. Benson the sum of $83.33, being the compensation of Senators of the United States for six days, January 23 to 28, 1907, during which they served as Senators from the States of Oregon and Kansas, respectively.

Mr. KEAN subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the foregoing resolution, reported it without amendment; and it was considered by unanimous consent, and agreed to.

BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 8191) relating to homestead entries in certain cases; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CULLOM introduced a bill (S. 8192) to remove the charge of desertion from the military record of Frederick A. Noeller; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 8193) granting an increase of pension to Edward E. Brown; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 8194) to amend the mining laws of the Philippine Islands; which was read twice by its title.

Mr. LODGE. I submit with the bill a letter from the Secretary of War, which I ask may be printed as a document and referred with the bill to the Committee on the Philippines.

The VICE-PRESIDENT. It will be so ordered.

Mr. LODGE. I desire also to say that the amendments to the existing law are printed in red ink, and I should like to have the bill printed so as to show the changes proposed.

The VICE-PRESIDENT. The bill will be printed so as to indicate the changes made in the existing mining law.

Mr. GALLINGER introduced a bill (S. 8195) granting an increase of pension to Asa E. Swasey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 8196) granting an increase of pension to Michael J. Geary; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. STONE introduced a bill (S. 8197) granting an increase of pension to Arabella J. Farrell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. RAYNER introduced a bill (S. 8198) for the relief of the heirs of John D. Clemson; which was read twice by its title, and referred to the Committee on Claims.

Mr. CLARK of Montana introduced a bill (S. 8199) granting to the various States the lands owned by the United States within the limits thereof; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CLAY introduced a bill (S. 8200) to provide for an annual appropriation for branch agricultural experiment stations, and regulating the expenditures therefor; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. McENERY introduced a bill (S. 8201) granting an increase of pension to Clara A. Keeting; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 8202) granting an increase of pension to Manuel R. Sanchez; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 8203) to carry out the findings of the Court of Claims in the case of Hardy A. Brewington, administrator of Raiford Brewington, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 8204) granting a pension to Delphine F. Wright; and

A bill (S. 8205) granting a pension to Martha E. Doebler (with accompanying papers).

Mr. HEYBURN introduced a bill (S. 8206) for the relief of Elmore A. McKenna, late captain, United States Volunteer Signal Corps; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. McCUMBER introduced a bill (S. 8207) granting an increase of pension to Peter Wedeman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HANSBROUGH (by request) introduced a bill (S. 8208) authorizing the extension of Park place NW.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FULTON introduced a bill (S. 8209) granting an increase of pension to Ashley White; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McLAURIN introduced a bill (S. 8210) granting an increase of pension to Charles Martin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 8211) for the relief of the Medical College of Alabama, of Mobile, Ala.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. TILLMAN introduced a bill (S. 8212) granting a pension to Azelia Mittag; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 8213) to authorize the St. Louis Electric Bridge Company, a corporation organized under the laws of the State of Illinois, to construct a bridge across the Mississippi River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DANIEL introduced a bill (S. 8214) granting a pension of James Bowman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McCREARY submitted an amendment proposing to appropriate $2,000 to pay Mattie R. West, widow of Robert R. West, late deputy auditor of the Isthmian Canal Commission, being six months' salary at the rate he was receiving at the time of his death, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SIMMONS submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. TALIAFERRO submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. NELSON submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

BLOCK-SIGNAL SYSTEMS AND APPLIANCES.

Mr. CLAY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas on June 30, 1906, Congress passed a joint resolution directing the Interstate Commerce Commission to investigate and report on block-signal systems and appliances for the automatic control of railroad trains, directing an investigation and report on the use of and necessity for block-signal systems and appliances for the automatic control of railway trains in the United States; and

Whereas such investigation and report was directed in the interest of protecting human life and preventing accidents on railway trains: Therefore be it

Resolved, That the Interstate Commerce Commission be, and is hereby, directed—

First. To inform the Senate to what extent said investigation has been made.

Second. To transmit to the Senate such information as the Commission may have acquired on this subject.

Third. To inform the Senate whether it is wise to require railway companies to equip themselves with the automatic block-signal system.

Fourth. What length of time would be required to put in operation such system and the probable cost of the same.

Fifth. The number of deaths caused by accidents on railroads during the years 1900, 1901, 1902, 1903, 1904, 1905, and 1906, and to what extent, if any, the death rate can be diminished by the adoption of the automatic block-signal system.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On January 23:

S. R. 80. Joint resolution authorizing the Secretary of War to furnish two 3-inch wrought-iron muzzle-loading cannon, with their carriages, limbers, and accessories, to the State of South Dakota.

On January 24:

S. 1236. An act to authorize payment to the Henry Philipps Seed and Implement Company for seed furnished to, and accepted by, the Department of Agriculture during the fiscal year 1902;

S. 1344. An act for the relief of John M. Burks; and

S. 4975. An act giving the consent of Congress to an agreement or compact entered into between the State of New Jersey and the State of Delaware respecting the territorial limits and jurisdiction of said States.

On January 25:

S. 350. An act for the relief of the heirs of Joseph Sierra, deceased;

S. 1648. An act for the relief of the Hoffman Engineering and Contracting Company;

S. 1933. An act for the relief of George T. Pettengill, lieutenant, United States Navy;

S. 2262. An act for the relief of Pay Director E. B. Rogers, United States Navy;

S. 2964. An act for the relief of the L. S. Watson Manufacturing Company, of Leicester, Mass.;

S. 3574. An act for the relief of John H. Potter;

S. 3581. An act providing for the payment to the New York Marine Repair Company, of Brooklyn, N. Y., of the cost of the repairs to the steamship *Lindesfarne*, necessitated by injuries received from being fouled by the U. S. Army transport *Crook* in May, 1900;

S. 3820. An act for the relief of Eunice Tripler;

S. 3923. An act to reorganize and to increase the efficiency of the artillery of the United States Army;

S. 4926. An act for the relief of Etienne De P. Bujac;

S. 4948. An act for the relief of W. A. McLean;

S. 5675. An act for the relief of Maj. Seymour Howell, United States Army, retired;

S. R. 13. Joint resolution authorizing the Secretary of War to award the Congressional medal of honor to Roe Reisinger;

S. 319. An act to reimburse Abram Johnson, formerly postmaster at Mount Pleasant, Utah;

S. 505. An act for the relief of Jacob Livingston & Co.;

S. 538. An act for the relief of Charles T. Rader;

S. 1169. An act for the refund of certain tonnage duties;

S. 1668. An act for the relief of the administrator of the estate of Gotlob Groezinger;

S. 2724. An act for the relief of Delia B. Stuart, widow of John Stuart;

S. 5446. An act for the relief of John Hudgins;

S. 6166. An act for the relief of Edwin S. Hall;

S. 6299. An act for the relief of Pollard & Wallace; and

S. 6898. An act concerning licensed officers of vessels.

On January 26:

S. 4348. An act for the relief of Augustus Trabing;

S. 4860. An act for the relief of Peter Fairley;

S. 1218. An act for the relief of Louise Powers McKee, administratrix; and

S. 4563. An act to prohibit corporations from making money contributions in connection with political elections.

On January 28:

S. 2368. An act for the relief of the Postal Telegraph Cable Company;

S. 503. An act to reimburse James M. McGee for expenses incurred in the burial of Mary J. De Lange; and

S. 4423. An act providing for the donation of obsolete cannon, with their carriages and equipments, to the University of Idaho.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

H. R. 129. An act for the opening of a connecting parkway along Piney Branch, between Sixteenth street and Rock Creek Park, District of Columbia;

H. R. 9326. An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street;

H. R. 12690. An act to define the term of "registered nurse" and to provide for the registration of nurses in the District of Columbia;

H. R. 14897. An act to protect the streets of the city of Washington;

H. R. 21684. An act to amend section 2 of an act entitled "An act regulating the retent on contracts with the District of Columbia," approved March 21, 1906;

H. R. 22350. An act to authorize the recorder of deeds of the District of Columbia to recopy old records in his office, and for other purposes;

H. R. 23384. An act to amend an act entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,' regulating proceedings for condemnation of land for streets;"

H. R. 23830. An act governing the maintenance of stock yards, slaughterhouses, and packing houses in the District of Columbia;

H. R. 23940. An act for the extension of Albemarle street NW., District of Columbia;

H. R. 23941. An act to amend section 14 of the act approved July 29, 1892, entitled "An act for the preservation of the public peace and the protection of property within the District of Columbia;"

H. R. 24746. An act for free lectures;

H. R. 24932. An act for the extension of School street NW.;

H. R. 17212. An act to amend an act to incorporate the Supreme Lodge of the Knights of Pythias, was read twice by its title, and referred to the Committee on the Judiciary; and

H. R. 25013. An act granting to the regents of the University of Oklahoma section No. 36, in township No. 9 north, of range No. 3 west, of the Indian meridian, in Cleveland County, Okla., was read twice by its title, and referred to the Committee on Public Lands.

RELIEF OF STOCK NEAR FORT ASSINNIBOINE.

Mr. CARTER. The joint resolution (H. J. Res. 231) authorizing the Secretary of War to sell certain hay, straw, and grain at Fort Assinniboine, which has just come to the Senate from the House presents an emergency case, and I desire briefly to state the facts.

The joint resolution proposes to grant to the Secretary of War the right to sell certain hay and fodder at Fort Assinniboine reservation to the owners of stock. By the recent storm a very large number of cattle have been driven against the fences on this reservation. A Member of the House states that fifteen to twenty thousand head of cattle are now on the edge of the reservation in a state of starvation. The Government has a surplus of hay at that point, and the joint resolution proposes to authorize the Secretary of War to sell that surplus to the stockmen for the preservation of the stock.

I have consulted a majority, I believe, of the members of the Committee on Military Affairs, and with their assent I ask that the joint resolution may be laid before the Senate and that it may now be put upon its passage.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent for the present consideration of a joint resolution, which will be read for the information of the Senate.

The joint resolution was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to cause to be sold within the next three months to the citizens of Montana, at its actual cost to the United States at place of sale, such limited quantities of hay, straw, and grain for domestic uses as, in his judgment, can safely be spared from the stock provided for the use of the garrison at Fort Assinniboine, Mont.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without

amendment, ordered to a third reading, read the third time, and passed.

EMPLOYMENT OF CHILD LABOR.

Mr. BEVERIDGE. I ask the Chair to lay before the Senate the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia.

The VICE-PRESIDENT. The Chair lays before the Senate the bill indicated by the Senator from Indiana.

Mr. BEVERIDGE. Mr. President, valuable as time is, and anxious as I am to continue and conclude, I purpose to take five minutes for the reading of some additional definite affidavits respecting certain States, from which affidavits have not been presented. In doing this, I wish to state to the Senate that they are only samples of a large number of others, all to like effect. Since I can read them very much more quickly than the Secretary can read them, I shall read them myself.

I call the particular attention of the Senator from Tennessee [Mr. CARMACK] as well as that of the Senator from South Carolina [Mr. TILLMAN] to the first affidavit which I shall read although it has already been introduced. It will stand another reading, and many readings. It is as follows:

UNITED STATES OF AMERICA, *District of Columbia, ss:*

Personally appeared before me this day A. J. McKelway, who on oath says that in December, 1905, he was on board a train going from Knoxville, Tenn., to Spartanburg, S. C.; that he saw on board the train an immigration agent of an immigration association of South Carolina, who was in charge of a company of about fifty people bound for the cotton mills of South Carolina, whom the agent had induced to leave their homes in western Tennessee; that the agent told him that he had made seven "*shipments*" of these people for the cotton mills from Newport, Tenn., averaging fifteen to the "shipment;" that seven more "shipments" had gone from Cleveland, Tenn., that *there were several agents at work besides himself*, and that he had shipped personally about 500 people to the cotton mills; that he, A. J. McKelway, talked with some of the children in the company; that Harrison Swan said that he was "*going on*" *10 years of age* and was going to work in the Four Mills, at Greenville, S. C.; that Charley Matthews and a little fellow with him of the same size said that they were about 9 years of age and were going to work in the mills; that the agent told him that there were a plenty of children *6 and 8 and 10 years* of age in the South Carolina mills, because their parents lied about their ages; that in the summer of 1905 the Rev. Mr. Abernethy, a Methodist minister living at Clyde, in western North Carolina, told him, A. J. McKelway, that 1,500 people had taken the train at Clyde for the South Carolina cotton mills during the preceding year.

A. J. MCKELWAY.

Subscribed and sworn to before me this 22d day of January, 1907.
[SEAL.] EDGAR L. CORNELIUS,
Notary Public, District of Columbia.

I also call the attention of the Senator from Georgia [Mr. BACON] to the following affidavit:

UNITED STATES OF AMERICA, *District of Columbia, ss:*

Personally appeared before me A. J. McKelway, who, on oath, says that on May 21, 1905, accompanied by a friend of his, he visited the Exposition Mills of Atlanta. The day being Sunday, the children were not at work in the mill; that the names and ages of the following children were secured from their testimony as to their own ages and the ages of their companions who were at work in the mill: That John Chitwood says he was 10 years old on March 1, and had been working in the mill about two years; Ernest Eton, 13 on May 6, and had been working for two years; Lily Chitwood, 9 years old, and had been working about one year; Maggie Parr, is 11 years old, and had been working in the mill two years; L. S. Sharpton, 13 years old, and had been working in the mill one and one-half years; Clyde Kennington, 10 years old, and had just begun to work in the mill; Noah McWilliams, 11 years old, and worked in the mill; Willie Jones, 9 years of age, and had been working nine months; Will Moony, 12 years old, and had been at work in the mill three years; Liz Kelly, 9, and worked in the mill; that Grover Warren was a little girl 7 years old, who had been working in the mill for five months; that Harper Fortner was 10 years old, and had been working in the mill about two years; that Horeb Dodson, 8 years old, had been working in the mill about three months; that Earl Sword, about 8 years of age, had been working in the mill six months; that Cliff Torbush, about 10 years old, had been working in the mill about two years; that Ned Chandler, 9 years of age, had been working in the mill about two years; that Clarence Carson, 9 years old, had been working in the mill 8 months, and that his father beat him if he did not work; that Jambo Parker, 9 years old, had been working in the mill nine months; that Pearl Southerland, about 8 years of age, had been working in the mill six months; that Fred Jeter, 9 years old, had been working in the mill six months; that Susie Simms, about 10 years of age, had been working in the mill for four months; that Son Baldwin, about 9, had been working in the mill about eight months; that Arthur Stewart, about 8 years of age, had been working for about six months; that Oscar Sells was not over 8 years old, and that he and his younger brother, Jack, worked in the mill; that Orbert Dodson, 9 years old, had been working in the mill some time; that Mary Owen, 8 years old, was at work in the mill; that Vivian Fortinberry, 8 years old, had been working in the mill for one week.

That he, A. J. McKelway, was informed by one of the stockholders of the Exposition Cotton Mills, in 1906, that a dividend of 48 per cent had been recently declared, and that this was not an unusual dividend.

A. J. MCKELWAY.

Subscribed and sworn to before me this 22d day of January, 1907.
[SEAL.] EDGAR L. CORNELIUS,
Notary Public, District of Columbia.

Those were the mills that were employing children 6 and 7 years old. This is the "isolated" abuse by the "best people," with whom the Senator from Georgia is on such loving terms.

I further call the attention of the Senator from Georgia to the two following affidavits, merely because the statement was made yesterday that the great mass of testimony presented was only as to "sporadic" and "occasional" instances:

UNITED STATES OF AMERICA, *District of Columbia, ss:*

Personally appeared before me, a notary public, A. J. McKelway, who, on oath, says that the Gate City Cotton Mills and the Exposition Cotton Mills, mentioned in other affidavits, signed by A. J. McKelway, are members of the Georgia Industrial Association, and were under the obligations of an agreement—

This is the "gentlemen's agreement," to which I referred yesterday—

not to employ children under 12 years of age unless they were orphans or the children of dependent parents or could read and write or had attended school the preceding year, and not to employ children under 12 years of age under any circumstances; that Mr. Samuel A. Carter, president of the Gate City Cotton Mills was made chairman of an investigating committee to discover whether there were any children in the Georgia cotton mills employed in violation of the said agreement, which had been made by the manufacturers in lieu of legislation; that Mr. Charles Tuller, one of the officials of the Exposition Cotton Mills, challenged in the public prints the citation of any instance of the violation of these rules; and that in spite of this agreement of the manufacturers not to employ children as specified, it was a matter of common knowledge that the agreement was violated in a large number of the cotton mills.

A. J. MCKELWAY.

Subscribed and sworn to before me this 23d day of February, 1907.
[SEAL.] HERBERT A. GILL,
Notary Public, Washington, D. C.

Here are two others [exhibiting]; but I wish to hasten, and shall not now stop to read them. They are only samples, Mr. President and Senators, of a large number of others which prove that this is the universal and not the "isolated" case.

Now I call the attention of the Senator from Virginia to the following affidavit:

UNITED STATES OF AMERICA, *District of Columbia:*

Personally appeared before me, a notary public, F. C. Roberts, who on oath says that in February, 1906, he was in Winchester, Va., in the interests of organized labor, and that he went at the noon hour to a large woolen mill and a knitting mill in Winchester, and that he saw the operatives coming out of the mills for their midday meal; that there were a large number of children employed under 14 and quite a number under 12, to all appearances; that at the same hour *a large number of negro children*—

I wish to call the attention of Senators on the other side of the Chamber to this statement. It is the affidavit to which I called attention yesterday, which shows that whereas the children of the white working class of the South are going into the mills, the children of the negroes are going into the schools. So he goes on to state that *at the same hour when he saw these white children coming out of the mill, he saw a large number of negro children coming out of a large negro school.*

at the same hour a large number of negro children came *out of a large negro school near by* for recess; and that the contrast was noticeable in the particular that *the negro children were playing* and snowballing each other on their way home, while the *white children* employed in the mills were hurrying *with anxious faces to their lunch*, so as to return to the mill in time; and that he found the same conditions to exist in a number of towns in the South where textile establishments were located.

F. C. ROBERTS.

Sworn to and subscribed before me this 26th day of January, 1907.
[SEAL.] WM A. EASTERDAY,
Notary Public, District of Columbia.

There is one way to solve the race question—*keep the white children in the schools as well as the negroes.* I call the attention of the Senator from North Carolina [Mr. OVERMAN], who has so valiantly defended the law of that State and attacked any method of stopping the evil all over the country, to the following affidavit, and will supply any number of additional ones that may be demanded:

NORTH CAROLINA.

UNITED STATES OF AMERICA, *District of Columbia, ss:*

Personally appeared before me, a notary public, F. C. Roberts, who on oath says that in March, 1906, being in Salisbury, N. C., representing the American Federation of Labor, he visited a cotton mill on the outside of the town, called, to the best of his knowledge and belief, the "Salisbury cotton mills;" that he went through these mills and noted carefully the size and ages of the employees; that there were very few adults employed in the mills; that in the spinning department *90 per cent* of the employees were children from *7 to 12 years* of age, to all appearances; that these children were compelled to work at and about machinery dangerous to life and limb; that many of them had *lost a finger or two* from the machinery that they were compelled to handle, and that several of them had bandaged fingers; that one of the children, when asked how long they worked, said that they were compelled to work *eleven hours a day;* that in appearance they were pallid faced, hollow chested, and with emaciated limbs; that one of the children, when asked if they ever attended school, said that the *only chance they had was at night.*

F. C. ROBERTS.

Sworn to and subscribed before me this 26th day of January, 1907.
[SEAL.] WM. A. EASTERDAY,
Notary Public, District of Columbia.

Mr. OVERMAN. Who is it that makes that affidavit?

Mr. BEVERIDGE. The affidavit states that it was "subscribed and sworn to before me this 26th day of January, 1906," and it is signed by F. C. Roberts.

Mr. OVERMAN. Can the Senator tell me who F. C. Roberts is?

Mr. BEVERIDGE. Yes. I think F. C. Roberts is the man who made the same affidavit concerning the cotton mill over in Virginia that I have referred to.

Mr. OVERMAN. But who is F. C. Roberts, I should like to know?

Mr. BEVERIDGE. The Senator will find out.

Mr. OVERMAN. You introduce him here as a witness.

Mr. BEVERIDGE. I do. And further the Senator has asked me a question, and he must keep still until I answer it.

F. C. Roberts, as I understand, is a representative of the American Federation of Labor. I think in fact he says he represents the American Federation of Labor and that he went upon that business for the investigation of this cotton mill. I will say to the Senator further that I think the Senator is pretty well acquainted with Dr. A. J. McKelway.

Mr. OVERMAN. I am.

Mr. BEVERIDGE. He is a citizen of your own State.

Mr. OVERMAN. Does he make that affidavit?

Mr. BEVERIDGE. No; he does not; but he makes some other affidavits, and if I had more time this morning I would present a large number of them. I shall, anyhow, under the head of law violations, to which I referred yesterday.

Mr. OVERMAN. Did Doctor McKelway make any affidavit in reference to that mill?

Mr. BEVERIDGE. Here is one, and I think——

Mr. OVERMAN rose.

Mr. BEVERIDGE. If the Senator will pardon me a minute, I think I have some in my committee room.

Mr. OVERMAN. I want to state that I know something about this mill.

Mr. BEVERIDGE. Go ahead.

Mr. OVERMAN. It is located in my own town, and I do not believe at the present time—I do not know the date of that affidavit as to when that happened——

Mr. BEVERIDGE. In March, 1906.

Mr. OVERMAN. I do not believe there is a word of truth in it. I have been at that mill, but I do not have any interest in it. I have never seen or heard of any such conditions. I think it is one of the best conducted mills in the country. I know they have one of the most beautiful school buildings and a fine school there carried on by the factory. The superintendent is an elder in the Presbyterian Church, and one of the best men I think I have ever known in my life, who has been very careful with the children. It is his rule to see that all those children who work in the mill are educated. If all of the affidavits offered by the Senator are as exaggerated as this I shall have good reason to doubt them all. I hope this is not the character of them all.

Mr. BEVERIDGE. I can not permit the Senator, in view of the time at my disposal, to take any more of my time.

Mr. OVERMAN. I think——

The VICE-PRESIDENT. The Senator from Indiana declines to yield further.

Mr. BEVERIDGE. If the Senator wants to make a speech, I do decline; but if he wants to ask a question I will answer it.

Mr. OVERMAN. I am not going to make a speech. I am just stating what I know about that particular mill.

Mr. BEVERIDGE. The Senator may do so in his own time.

The VICE-PRESIDENT. The Senator from Indiana objects to further interruption.

Mr. BEVERIDGE. I will answer any question, but I can not yield, in view of the length of time at my disposal, for a speech to be inserted in the midst of my remarks.

I wish to state further in this connection, since this has been questioned, that he says "*to the best of his knowledge* and *belief*" it is the Salisbury Cotton Mills, and I have no doubt it is the Salisbury Cotton Mills. But Mr. Roberts says he does not *know;* he *believes* so. But no matter what the name of the mill is. Mr. Roberts saw these children and swears to it; there's no mistake about the children, and that is the important thing.

Mr. OVERMAN. I did not hear the Senator.

Mr. BEVERIDGE. I am talking as loud as I can. The Senator must pay more attention, because I must get on.

Mr. OVERMAN. I am trying to pay attention.

Mr. BEVERIDGE. I will say further, as I have said two or three times before, that any amount of sworn testimony that Senators call for will be furnished as this debate proceeds. Notwithstanding the enormous amount which I have, I can say to the Senator that what I have presented is only the beginning.

That was an affidavit as to North Carolina. Now I present one on Alabama conditions:

ALABAMA.

UNITED STATES OF AMERICA, *District of Columbia, ss:*

Personally appeared before me A. J. McKelway, who on oath says that in the fall of 1905 he visited a mill in Alabama whose name he prefers not to give; that he saw at least thirty children in the spinning room of that mill who seemed to be under 12 years of age; that one little girl testified to being *9 years* of age, and that she was *considerably larger than many children who were seen at work in that mill.*

A. J. MCKELWAY.

Subscribed and sworn to before me this 22d day of January, 1907.

[SEAL.] EDGAR L. CORNELIUS,
Notary Public, District of Columbia.

And another, on South Carolina conditions:

SOUTH CAROLINA.

UNITED STATES OF AMERICA, *District of Columbia, ss:*

Personally appeared before me, a notary public, A. J. McKelway, who on oath says that during the month of April, 1905, he, in company with Mr. Edward T. Devine, Mr. V. E. Macy, of New York, and others, visited the Olympia cotton mills at Columbia, S. C., under a former management; that he saw a large number of children at work, in the spinning room especially, and some in the weaving department; that there were at least fifty children in the spinning room who appeared to be under 12 years of age; that one little girl told him that she was *8 years* of age, and judging from the comparative sizes there were several children not over *6 years* of age.

A. J. MCKELWAY.

Subscribed and sworn to before me this 22d day of January, 1907.

[SEAL.] EDGAR L. CORNELIUS,
Notary Public, District of Columbia.

And still another, on Florida conditions:

FLORIDA.

UNITED STATES OF AMERICA, *District of Columbia, ss:*

Personally appeared before me, a notary public, A. J. McKelway, who on oath says that in March, 1905, he visited some of the cigar factories of Tampa, Fla.; that the number of young children employed in these factories was small as compared to the number in cotton mills, but that at least twenty children were seen who seemed to be 12 years old and under and double that number who seemed to be under 14.

A. J. MCKELWAY,

Subscribed and sworn to before me this 22d day of January, 1907.

[SEAL.] EDGAR L. CORNELIUS,
Notary Public, District of Columbia.

Mr. President, I hold in my hand a large number of similar affidavits, and I will say to the Senator from North Carolina that I had handed me—and I have now in my office and will insert in the RECORD—a statement of the mill owners of North Carolina before the committee of the legislature of that State in resisting what is known as the McKelway bill at the last legislature, in which resistance they were successful.

[These affidavits here referred to are inserted under the head of "Nonenforcement of State laws" in an earlier portion of Senator BEVERIDGE's remarks.]

Mr. OVERMAN rose.

Mr. BEVERIDGE. Pardon me a moment. I shall, if this debate goes on, put in the RECORD a statement by the authorities themselves—the labor commission—showing that mill owner after mill owner said he thought children under 12 years of age *ought to be* employed.

Mr. OVERMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from North Carolina?

Mr. BEVERIDGE. I do, for a question.

Mr. OVERMAN. I am not denying any of the facts contained in the affidavits, because I know nothing about them, except one affidavit as to a mill in the town in which I live, the facts regarding which are within my own knowledge.

Mr. BEVERIDGE. The Senator has said that twice.

Mr. OVERMAN. Therefore I do not want the Senator to refer me to other testimony that may be introduced, but if all the affidavits are like the affidavits produced there I have some doubt about them, although I admit the evil.

Mr. BEVERIDGE. The Senator has impressed that upon the minds of the Senate by repeated statements; so it is between the Senator, now, and the people who make the affidavits.

THE NATIONAL CHILD-LABOR COMMITTEE.

I wish to say right here something that the Senator can bear me out in. Three of these affidavits and many others are made by Dr. A. J. McKelway. I think his residence is in North Carolina. He is a southern man and is the publisher of a paper called "The Presbyterian." He is a young man. He is the agent or in the employ of the National Child Labor Committee. It is because of this and because of his enthusiasm in this work—and as to his character and standing and purity and truthfulness and great ability every Senator from the South can testify—that he has made these investigations and these affidavits.

Mr. President, it is appropriate here to say that the National Child Labor Committee has done more than all other forces in this country to stop this evil. For years it has been at work. Its members are not sentimentalists, they are practical men of

affairs. They include such business men as Isaac Seligman, the eminent New York financier; Mr. Warburg, of Kuhn, Loeb & Co.; men like Mr. Macy, of New York. They include such scholars and publicists as Doctor Lindsey, Dr. Felix Adler, and Mr. Devine, whose names are known to the entire country and to the entire educational world.

THE KIND OF MEN WHO SUPPORT THIS BILL.

Some of those men, Mr. President, as I said the other day, are the most ardent and certainly and without doubt the most *learned* "State rights" men in this Republic. Dr. Felix Alder is an example, and yet years of study and years of investigation have convinced them that it is impossible for the States, acting separately, to stop these evils.

The new law of Georgia would never have been passed, the one in North Carolina would never have been passed, but for the activity of this great, splendid, militant organization of righteousness called the National Child-Labor Committee. The executive committee of this great organization, Mr. President, after a very careful discussion, lasting hours at each meeting for two meetings, passed a resolution indorsing *this particular bill.*

The national child-labor convention of Cincinnati, where 4,000 people from all over this country, including among them some of the best lawyers in the land, as well as some of the best business men in the land, adopted the same resolution.

Before this debate is through I shall show the Senate where the same thing has been done by other great organizations, such, for instance, as the most powerful educational organization in this country, the State Teachers' Association of Nebraska, which passed a resolution definitely indorsing *this particular bill* and earnestly requesting their Senators and Representatives in Congress to support it.

Upon that subject I might stop before I resume the legal portion of this argument and say to Senators on the other side that the man who will be your next standard bearer in the next Presidential contest—William Jennings Bryan—has also, and with all his heart, indorsed *this particular bill.* To those on this side of the Chamber I say that the great man who is now President of the United States is for *this particular bill* with all his heart. So it is not merely the work of "sentimentalists" or of men who have given their lives to learning that I look for comfort and support. I am proud of all this support, and yet I am far more strengthened by the volume of testimony that pours in upon me from the people.

But, of course, the "people" don't amount to anything. "What do the people know about the Constitution?" say the opponents of this bill. When I cited Dr. Felix Adler to a learned Senator the other day as a supporter of this bill—and Doctor Adler is a man celebrated all over the entire world of learning for his accomplishments—I was met with this convincing reply: "Doctor Adler! What does *he* know about the *Constitution? He* is not a *lawyer.*"

Nobody knows about the Constitution but certain "lawyers," it seems, although the Constitution was made *for* the people, was "adopted *by* the people at the polls," as Marshall declares, and is supposed to be anything but mysterious. Yet even a celebrated scholar like Doctor Adler can't possibly understand the Constitution, because he, with all his learning, is "no lawyer," according to some who will try to kill this bill here in the Senate.

Mr. CARMACK. May I interrupt the Senator?

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. I do.

Mr. CARMACK. The Senator from Indiana says that the gentleman who will be the next standard bearer of the Democratic party indorses this bill. I want to know what the gentleman who will be the next standard bearer of the Republican party thinks about it. [Laughter.]

Mr. BEVERIDGE. My dear [laughter]—Mr. President, the relations between myself and the Senator from Tennessee are so tender that we usually call each other "old man," "my dear boy," and other terms of affection, into which I was about to fall.

The Senator from Tennessee, Mr. President, wants to know a great many things, and I am not going to tell him. He is a curious-minded man. I do not blame him for that, and that is undoubtedly the origin of some of the Senator's attractiveness and brilliancy, and no Senator in this body has more of either.

CONSTITUTIONALITY OF THE LAW. II.

Mr President, I think it perhaps will be more convenient to me to make a résumé of the legal part of the discussion which I made yesterday. It will occupy perhaps a minute or two.

Yesterday I referred to what all lawyers know as to what was the occasion for the adoption of the Constitution. If it had not been necessary to put in the commerce clause, I doubt very much whether the Constitutional Convention would ever have been called. At that time the words "regulate commerce" were in twenty-seven acts then existing of the British Parliament, with which the framers of the Constitution were familiar. In every one of those acts the words "regulate commerce" included the meaning of "prohibition," and as soon as the Constitution was adopted this understanding was acted upon by the Congress in passing the embargo laws, which absolutely *prohibited* certain commerce with foreign nations.

As soon as this question came up, as it did indirectly in Gibbons *v.* Ogden, that great jurist and statesman, John Marshall, held that that was absolutely within the power of Congress; and very early, in the case of United States *v.* Coombs, the Supreme Court, in passing upon the scope of this clause—it was then a subject under great discussion—said that it might include anything not definitely connected with commerce if it could be invoked for that purpose, as, for example, the power of Congress to pass a law making it a criminal offense to take a trunk that had been washed up from a ship, if it were above high water. In that opinion, Senators will remember, the court said that it involved unquestionably the power to *prohibit* the transportation of articles; although perhaps that is obiter dictum.

In the case of United States *v.* Marigold the question was definitely met and decided, so far as importations were concerned, and in the case of United States *v.* Forty-Three Gallons of Whisky the court definitely held that the power of Congress over commerce among the Indian tribes—*which is precisely the same as the power of Congress over the States*—included the power to *prohibit* the introduction of whisky, not only into the Territory where Indian tribes were located, but into a State that was near that Territory, where one drink of it might be sold to one Indian. No person has gone any further—no case could go further.

THE BRIGANTINE WILLIAM CASE.

Mr. President, I have here Thayer's Cases on Constitutional Law. In 1808 a case was decided which is so important and so historic a case that it is included in his two great volumes. It is United States *v.* Brigantine *William.* That is the only case, I believe, in either the district or circuit courts of the United States or the Supreme Court where the constitutionality of the embargo laws was ever questioned. The court sustained their constitutionality, and I will call the attention of the Senator from Rhode Island to the fact that it was sustained, *not under the taxing power,* not under the war power, but *exclusively under the commerce clause.* The court says:

"Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes."

Such is the declaration in the Constitution. Stress has been laid in the argument on the word "*regulate,*" as implying in itself a *limitation.* Power to *regulate,* it is said, can not be understood to give a power to *annihilate.* To this it may be replied that the acts under consideration, though of very ample extent, do not operate as a prohibition of all foreign commerce.

It will be admitted that partial *prohibitions* are authorized by the expression; and how shall the *degree or extent* of the *prohibition* be adjusted but by the *discretion of the National Government,* to whom the subject appears to be committed?

I want to stop right here and ask this: Whence came such power as we have over interstate commerce and foreign commerce? From the delegation of that power by the States to the Nation, did it not? Did it come from any other source?

Very well, now. What power did the States have when they made this delegation to the Federal Government? As I shall show by direct quotations in a moment, that they had *absolutely sovereign power,* does anybody question that the States, under the Articles of Confederation, could *prohibit* commerce and do anything that they pleased, and that they were not sovereign and supreme?

Well, then, *what became* of that power? They delegated it to the Federal Government. That is the source. Does the Senator from Rhode Island question that? If he does, the Senator from Rhode Island is in a quarrel with the Supreme Court upon that question. How much did they keep for themselves?

Mr. ALDRICH. They delegated the "power to regulate."

Mr. BEVERIDGE. Certainly.

Mr. ALDRICH. And nothing else.

Mr. BEVERIDGE. It has been definitely decided what "regulate" means. Here is now one of the cases that decides it. I quote from the same case:

Besides, if we insist on the exact and critical meaning of the word "regulate," we must, to be consistent, be equally critical with the substantial term "commerce." The term does not necessarily include shipping or navigation.

This great jurist, who sat upon the Massachusetts Federal bench, anticipated all that is going through the mind of the

Senator from Rhode Island. If you limit the word "regulate" by the same rules, you have got to limit the word "commerce," which it qualifies. Where would that lead the Senator? It would exclude navigation. That court goes on to point out:

Much less does it include the fisheries. Yet it never has been contended that they are not the proper objects of national regulation, and several acts of Congress have been made respecting them.

It may be replied that these are incidents to commerce and intimately connected with it, and that Congress, in legislating respecting them, act under the authority given them by the Constitution to make all laws necessary and proper for carrying into execution the enumerated powers.

Let this be admitted, and are *they not at liberty also to consider the present prohibitory* system as necessary and proper to an *eventual* beneficial *regulation?* I say nothing of the *policy* of the expedient. It is not within my province. But on the *abstract question of* constitutional *power* I see nothing to *prohibit* or restrain the measure.

So we see the Senator's view of what the word "regulate" means was anticipated and settled just exactly ninety-nine years ago this year. Then the court proceeds a little further:

It was perceived that under the power of regulating commerce Congress would be authorized to *abridge* it in favor—

How "*abridge?*" What for, "abridge?"

of the *great principles of humanity and justice.*

Hence the introduction of a clause in the Constitution so framed as to interdict a prohibition of the slave trade until 1808. Massachusetts and New York proposed a stipulation that should prevent the erection of commercial companies with exclusive advantages.

* * * * * * *

It has been said in the argument that the large commercial States, such as New York and Massachusetts, would never have consented to the grant of power relative to commerce, if supposed capable of the extent now claimed. On this point, it is believed, there was no misunderstanding. The necessity of a competent National Government was manifest. Its essential characteristics were considered and well understood; and all intelligent men perceived that a power to advance and protect the national *interests necessarily involved a power that might be abused.*

The question of the *abuse of the power*, which is the *only* argument made against this bill that I have heard, and I have heard about all of them, I shall discuss pretty fully in a moment.

It is not necessary for me to read the opinion in the Forty-three Gallons of Whisky case or the Rahrer case, because I read those yesterday.

THE ADDYSTON PIPE CO. CASE.

The next case to which I wish to call the attention of the Senate is The Addyston Pipe Company *v.* United States (175 U. S.), and I read briefly from page 228. I am showing now the tremendous scope of this power of Congress over commerce has been held by the Supreme Court to mean the *prohibition* of anything. In this case it was held that the Sherman antitrust law, which *prohibited* the making of a *contract*, was entirely constitutional, although that part of it, as all lawyers will remember, was the point on the case which was bitterly fought. The court said:

The *reasons* which may have caused the framers of the Constitution to repose the power to regulate interstate commerce in Congress do not, however, affect or limit the *extent* of the *power* itself.

This was said because the question had been asked of the court, the main question had been asked of the court that is so often asked here in debates upon legal questions that are very close, "What was the *intention* of the framers?" "Did the framers intend this?" "Did the framers intend that?" As a matter of course, the framers never foresaw steam or electricity. The framers never anticipated the telegraph. The framers did not anticipate the Interstate Commerce Commission. The Supreme Court says that what may have been the *purpose* has nothing to do with the *limit* of the *power*.

The court goes on:

In Gibbons *v.* Ogden (supra) the power was declared to be complete in itself, and to acknowledge no limitations other than are prescribed by the Constitution.

Under this grant of power to Congress that body, in our judgment, may enact such legislation as shall declare void and *prohibit* the performance of any contract between individuals or corporations where the natural and direct effect of such a contract will be, when carried out, to directly, and not as a mere incident to other and innocent purposes, regulate to any substantial extent interstate commerce. (*And when we speak of interstate—*

I call the attention of the Senator from Rhode Island to the fact that I am coming back to this—

we also include in our meaning foreign commerce.)

Mr. KEAN. What is the volume?

Mr. BEVERIDGE. One hundred and seventy-five United States—the Addyston Pipe Company case. The Senator is familiar with it.

Mr. KEAN. Yes.

Mr. BEVERIDGE. Now I come to the most important case upon this subject that the Supreme Court has ever decided, though no wider perhaps than the Forty-three Gallons of Whisky case, no wider perhaps than the Rahrer case, and of course everybody knows that it is the Lottery case.

THE LOTTERY CASE.

About 1895 or 1896—the Senator from Rhode Island [Mr. ALDRICH] ought to know, for he was here at the time—Congress passed a law *prohibiting* the transportation of lottery tickets by carriers of interstate commerce. A law had already been passed excluding them from the mails under the post-office and post-roads clause. But it was not effective for the simple reason that the lottery companies used the express companies to scatter the lottery tickets throughout the country.

A law was passed—and I have here the debates upon the subject—*prohibiting* the transportation of lottery tickets by carriers of interstate commerce. None of the other laws that have been passed—and I shall at length call the attention of the Senate to such laws now on the statute books—have been questioned so far as their constitutionality is concerned, even though they are the laws definitely *prohibiting* the transportation of articles by carriers of interstate commerce; for in those cases no great industry and no great business was profiting by the business in the thing prohibited.

But in the Lottery case there was an immense institution, richly profiting by that business.

The law was very fiercely resisted. I think, with the exception of the Legal Tender cases, the Dartmouth College case, Gibbons *v.* Ogden, and McCulloch *v.* Maryland, there never have been any cases in the Supreme Court which were more ably conducted before that great tribunal, or with more desperate determination, or with greater learning than the Lottery case.

Not only did the attorneys employed by the lottery companies see their clients' interest in preserving their unholy business, but the attorneys employed, who were very able men indeed, saw the tremendous scope of the decision upon the question there raised. They understood thoroughly that the Supreme Court's decision would be as epochal as in McCulloch *v.* Maryland—that it would make history.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from North Dakota?

Mr. BEVERIDGE. Gladly.

Mr. McCUMBER. The Senator, of course, understands that I am decidedly favorable to his bill, and it is because I wish to have removed this wall of doubt that has surrounded me all the time as to our constitutional power to enact the legislation which the Senator is so earnestly supporting that I venture these suggestions.

Were not all of those cases to which the Senator refers cases in which the commodity was held practically not to be a commercial commodity—commodities the use of which were declared to be against public policy, or the dissemination of which would be against the interests of the people?

Mr. BEVERIDGE. I understand the Senator's point.

Mr. McCUMBER. The reason I ask the question is this: I have always understood that under the privilege and immunity clause of the Constitution every person had an inherent right to go from one State to another himself and had a right to bring any property that he possessed.

Mr. BEVERIDGE. May I interrupt the Senator? The right to which the Senator refers, the right to go from one part of the Republic to another, does not flow from any provision of the Constitution. That was directly decided in Crandall *v.* Nevada, where seven judges decided that it was an inherent right of citizenship, depending on no clause of the Constitution whatever, and two judges that it was a matter of interstate commerce.

Mr. McCUMBER. I have read that decision. It is an inherent right the exercise of which Congress itself could not prohibit. I want to call the Senator's attention to six lines in a text-book upon the subject by E. P. Prentice and J. G. Egar on the Commercial Clause of the Federal Constitution.

Mr. BEVERIDGE. I gladly yield.

Mr. McCUMBER. The authors state the general rule bearing upon the right of Congress itself to make a prohibition against interstate commerce, and draw the distinction between the powers as relating to interstate commerce and the powers of Congress over foreign commerce. In treating of this the authors state—

Over interstate commerce no such extensive authority has been claimed. The right to engage in such commerce is one of the rights reserved to the people and one of the privileges and immunities of citizenship. Congress can not lay an embargo upon interstate commerce—

I call the Senator's attention especially to this, because I understood him to state that Congress could lay an embargo upon interstate commerce.

Congress can not lay an embargo upon interstate commerce, nor can it, in national matters, make restrictions of unequal operation among the States. The purpose with which the grant was made—to secure

freedom of transportation throughout the country unembarrassed by differing regulations at State lines—measures not only the power of the States, but also the power of Congress.

That is given as the rule, after reciting a number of authorities upon the subject. I quote it to the Senator that he may meet it directly in his argument.

Mr. BEVERIDGE. I am very much obliged to the Senator, indeed. He asked me a question and then submitted to me a proposition from Prentice's text-book. I will answer his question now and take up the proposition when I come to that branch of my argument.

In the first place, the Senator asked me whether, in the Lottery case, as well as in the other cases, it was not held that these subjects excluded from interstate commerce were not in their nature not properly subjects of commerce. Now, in answer to that, I say on the contrary they were definitely declared to be subjects of commerce, otherwise no jurisdiction could have been acquired over them.

It was contended in the Lottery case that the law of Congress was void for two reasons. One was that lottery tickets were not subjects of commerce any more than insurance policies are and that therefore the case of Paul *v.* Virginia decided the lottery-ticket question at its inception. Because, of course, if lottery tickets were not subjects of commerce, then Congress had no power to pass laws excluding them from interstate commerce. So the court said upon that point:

We are of opinion that lottery tickets *are* subjects of traffic and therefore are subjects of commerce, and the regulation of the carriage of such tickets from State to State, at least by independent carriers, is a regulation of commerce among the several States.

Of course that was held in the Forty-three Gallons of Whisky case. Whisky is a subject of commerce. It was so held in Leisy *v.* Hardin and in the Rahrer case.

I think the Senator's question has also another meaning, which involves not so much the question of power as it involves the question of policy; and that is this—the Senator can correct me if I do not state what was in his mind—when any article of commerce becomes so adulterated by the circumstances of its manufacture, or because of its actual and inherent evil, or for any other reason affects injuriously the welfare of the people, then not only Congress in passing the law as a matter of policy, but the courts in upholding the law as a matter of power will take that into consideration. Am I right?

Mr. McCUMBER. The Senator is right; but I can easily see a distinction between that class of commodities and a class of commodities such as grain, etc., which may be raised upon my farm and some work in connection with which may be performed by a child under 10 years of age. I would admit the right of Congress in the one instance, but I confess I have great doubt in the other, unless the Senator is able to make it clear——

Mr. BEVERIDGE. As a question of policy, not power?

Mr. McCUMBER. As a question of power.

Mr. BEVERIDGE. It becomes a question, the Supreme Court says—and I have read two or three decisions, and I hope the Senator listened to them—to be left to the legislative discretion. But taking it from the point of view the Senator suggests, there is more harm to the interests of the Nation, and that phrase "interests of the Nation," I think, has been repeated in every one of these decisions—it was first used by Chief Justice Marshall in McCulloch *v.* Maryland—and that phrase the "interests of the Nation" has been the most powerful phrase in the interpretation of the Constitution. The "interests of the Nation" are more greatly imperiled by the products of child labor than even by diseased meat or adulterated food. Nobody doubts, and I think I shall prove to the satisfaction of everybody who hears me or who reads my remarks or cares anything about this subject, that we have the right to *prohibit* from interstate commerce convict-made goods. But I will come to that in a moment.

Answering the Senator's question from the legal point of view, I say certainly. Lottery tickets were decided to be subjects of commerce, legitimate subjects of commerce, just as whisky was decided to be, and it was upon that ground that the court acquired jurisdiction.

THE RIGHT TO "PROHIBIT."

The other ground upon which that law was resisted was that Congress had no right to *prohibit*. I call the attention of the Senator from Rhode Island to that. Their contention was exactly what was in the Senator's mind a moment ago, when he said that the only power confided in Congress was the power to *regulate*, and that the power to regulate did not involve the power to *prohibit;* and that therefore the law of Congress excluding lottery tickets from interstate commerce was not within the constitutional power of Congress.

Now, in an opinion which of course has become historic and which is so familiar to every lawyer here, I take it, that I hardly feel like taking the time to read it, but will do so on account of its importance, the court held that the power to *regulate* commerce does not include the power to *prohibit* specified articles from commerce; and I shall read from the opinion of the court:

But it is said that the statute in question does not *regulate* the carrying of lottery tickets from State to State, but by punishing those who cause them to be so carried Congress in effect *prohibits* such carrying; that in respect of the carrying from one State to another of articles or things that are, in fact or according to usage in business, the *subjects of commerce*, the authority given Congress was not to *prohibit*, but only to *regulate*.

Is not that what the Senator from Rhode Island said a moment ago? That was the argument which the court says was made. It might have been the Senator from Rhode Island himself who made the argument for the lottery people, according to the Supreme Court's report of that argument, for it is in exact and identical words the argument of the Senator from Rhode Island against this child-labor bill. This is the opinion of the court.

The Supreme Court continues:

It is to be remarked that the Constitution does not define what is to be deemed a legitimate *regulation* of interstate commerce. In Gibbons *v.* Ogden it was said that the power to *regulate* such commerce is the power to *prescribe the rule by which it is to be governed.* But this general observation leaves it to be determined, when the question comes before the court, whether Congress in prescribing a particular rule has exceeded its power under the Constitution.

While our Government must be acknowledged by all to be one of enumerated powers, McCulloch *v.* Maryland (4 Wheat., 316, 405, 407), the Constitution *does not attempt* to set forth all the means by which such powers may be carried into execution. It leaves to Congress *a large discretion* as to the *means* that may be employed in executing a given power.

* * * * * * *

We have said that the carrying from State to State of lottery tickets constitutes interstate commerce, and that the regulation of such commerce is within the power of Congress under the Constitution. Are we prepared to say that a provision which is in effect a *prohibition* of the carriage of such articles from State to State is not a fit or appropriate mode for the regulation of that particular kind of commerce? If lottery traffic, carried on through interstate commerce, is a matter of which Congress may take cognizance—

The *extent* of our discretion is with us, I will say to the Senator from Tennessee—

and over which its power may be exerted, can it be possible that it must tolerate the traffic, and simply *regulate* the manner in which it may be carried on? Or may not Congress, for the protection of the people of all the States, and under the power to *regulate* interstate commerce, devise such means, within the scope of the Constitution, and not prohibited by it, as will *drive that traffic out of commerce among the States?*

Could there be a more direct and emphatic answer to the question that was in the mind of the Senator from Rhode Island? The court continues:

In determining whether *regulation* may not under some circumstances properly take the form or have the effect of *prohibition* the nature of the interstate traffic which it was sought by the act of May 2, 1895, to suppress can not be overlooked. When enacting that statute Congress no doubt shared the views upon the subject of lotteries heretofore expressed by this court.

* * * * * * *

If a State, when considering legislation for the suppression of lotteries within its own limits, may properly take into view the evils that inhere in the raising of money in that mode, *why may not Congress,* invested with the power to regulate commerce among the several States, *provide that such commerce shall not be polluted* by the carrying of lottery tickets *from one State to another?*

I ask any Senator here whether he doubts that a State may pass a law excluding from intrastate commerce (commerce exclusively within the State itself) the products of child labor? Does the Senator from Rhode Island deny that power? Does any Senator deny that power?

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Rhode Island?

Mr. BEVERIDGE. Certainly. Did the Senator from Rhode Island understand my question?

Mr. ALDRICH. I think so. On the point the Senator was discussing the court evidently did not understand the lottery case to have the significance which the Senator is giving it, because in another case which they decided later they used the language I will read. After having quoted the lottery-case decision the court say:

Whatever difference of opinion, if any, may have existed, or does exist, concerning the limitations of power so far as interstate commerce is concerned, it is not denied that from the beginning Congress has exercised a plenary power in respect to the exclusion of merchandise brought from foreign countries.

Mr. BEVERIDGE. The Senator is on the subject that he raised last night, and to that I will come, to the Senator's satisfaction, in a moment. I am not arguing that now. I am reading the decision of the Supreme Court in the lottery case on the subject of *prohibiting* commerce in an article. I am asking the Senator and I am asking every other Senator this question. Before proceeding further I will read it again:

If a State, when considering legislation for the suppression of lotteries within its own limits, may properly take into view the evils that

inhere in the raising of money in that mode, why may not Congress, invested with the power to regulate commerce among the several States, provide that such commerce shall not be polluted by the carrying of lottery tickets from one State to another?

I ask any Senator this question: Does anybody deny that a State can pass a law which shall exclude from transportation within its own limits child-made goods made within its own limits?

Mr. FULTON. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Oregon?

Mr. BEVERIDGE. Certainly.

Mr. FULTON. I ask the Senator if the lottery case——

Mr. BEVERIDGE. No; pardon me just a moment.

Mr. FULTON. Well, I——

Mr. BEVERIDGE. Was the Senator going to answer the question I put?

Mr. FULTON. I was going to answer it by putting another.

Mr. BEVERIDGE. No; I want a direct answer. I want to make an argument upon it for a moment.

Mr. FULTON. I am not under any obligation to answer the Senator's question.

Mr. BEVERIDGE. Of course you are not, and I am not under any obligation to yield.

Mr. FULTON. The Senator asked a question. If he chooses to withdraw it, I will not ask the Senator the question I had intended to ask.

Mr. BEVERIDGE. Go on.

Mr. FULTON. I will ask the Senator if he does not observe that the lottery case and the whisky case and all the cases cited have this element in them: The exclusion of the articles amounts to a regulation of commerce in that it withdraws from commerce things that are deleterious to the people to whom they are shipped?

Mr. BEVERIDGE. Certainly.

Mr. FULTON. The articles were not allowed to be used for that purpose. Is there not a vast distinction between that and simply refusing to allow to be transported in interstate commerce an article, against which no charge of that character can be made, merely because some particular character of labor has been employed in making it? In other words, in one case you regulate commerce, and in the other case you are regulating the employment of labor in a State.

Mr. BEVERIDGE. The Senator rose to ask a question. He did not only ask a question, but he made quite a statement. As a question of policy, I recognize the distinction. As a question of power, as a matter of pure logic, I personally do not. But I do not intend in any argument of this question——

Mr. *FULTON* rose.

Mr. BEVERIDGE. No, in a moment, I want to dispose of the question I am on now.

I do not intend to be confined to that narrow ground. I intend to take the ground, and have taken it, although I could take the much wider one if I chose, that wherever any article affects for ill "the interests of the Nation," to use the famous phrase of John Marshall, which is repeated in nearly every one of these decisions, where from its adulteration, from the circumstance of its manufacture, from any other circumstance Congress, representing the people, thinks it is bad for the Nation, it may be *excluded* from interstate commerce under the commerce clause of the Constitution.

Now, I am going to read again what I read from this lottery decision, and again ask a question, and if there is no answer, then I am going to state the conclusion.

> If a State, when considering legislation for the suppression of lotteries within its own limits, may properly take into view the evils that inhere in the raising of money in that mode, why may not Congress, invested with the power to regulate commerce among the several States, provide that such commerce shall not be polluted by the carrying of lottery tickets from one State to another?

Will any Senator say that a State has no power to pass a law excluding from transportation within its own limits child-made goods made within its own limits? Certainly not.

The most rabid opponent of this bill would not say that. Therefore, according to the passage I have just read from the decision of the Supreme Court in the Lottery Cases, when it comes to a question of interstate traffic, Congress has *power* over *that* as plenary as the *State* has over the product within *its* own borders.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. BEVERIDGE. Certainly.

Mr. TILLMAN. It seems to me the Senator is crossing a very attenuated bridge to reach his point. If a State wants to regulate child labor, it has plenary power under its police power to pass any law it sees fit, and it is inconceivable that a State would undertake to pass a law such as the Senator says it might pass, because it can go at the remedy so much more directly and so much more effectively. When the Senator undertakes to draw a deduction that Congress can do this thing because a State can do it, it is absurd, because the State would never think of doing it in that way. It would do it in the other way, the substantial way, the common-sense way, the direct way, the positive way.

Mr. BEVERIDGE. The Tillman way.

Mr. TILLMAN. That is right, if you choose to apply it.

Mr. BEVERIDGE. Mr. President, what I say to the Senator from South Carolina I say kindly, for I know his earnest desire to end this very great evil, which he has described more vividly than I have, and he has expressed to me personally and in public his desire to hear what was said upon the legal proposition. I notified him this morning that the subject was going to be gone into by direct decisions. Now, the Senator goes out a large part of the time.

Mr. TILLMAN. The Senator has not been absent at all. I beg the Senator's pardon. He has been right here listening. The Senator from Indiana is always telling us that he is going to get to the point directly, but he never gets there. [Laughter in the galleries.]

Mr. BEVERIDGE. Mr. President, that is a remark calculated, of course, to amuse the galleries. Does the Senator think that the language of Justice Harlan in the Lottery case, where he says it is within the power of Congress to exclude lottery tickets from interstate commerce, where it involves the power of *prohibition*, is not to the point?

Mr. TILLMAN. I have never read the Lottery case, because I have never had anything to do with these legal technicalities. I know the common-sense proposition that because a State might do a thing is no reason why the United States has power to do the thing.

Mr. BEVERIDGE. The Senator is no monopolist of the common sense on this floor.

Mr. TILLMAN. I do not claim to be. I think that would be a preposterous supposition when the Senator from Indiana is on deck. [Laughter.]

Mr. BEVERIDGE. I thank the Senator from South Carolina.

Now, I read further from the Lottery case. If the Senator of course does not think that the decision of the Supreme Court which says that Congress has the power to regulate commerce, to *prohibit* commerce in certain articles——

Mr. CARMACK. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. I do.

Mr. CARMACK. Does the Senator understand that opinion to go to the extent of saying that whatever a State may do in regulating commerce within its borders the General Government may do in regulating commerce among the States?

Mr. BEVERIDGE. No; but there are several other cases which do say just that, and it was said not less than a hundred times in the interstate-commerce debate on the passage of the rate bill last year. It comes so near it that I will again read it, and the Senator can see for himself.

Mr. CARMACK. I do not think it says that.

Mr. BEVERIDGE. As I said yesterday, a Senator, like any other man—

> Convinced against his will,
> Is of the same opinion still.

But hear the Supreme Court. Why are Senators so impatient with the Supreme Court? That tribunal goes on:

> Why may not Congress, invested with the power to *regulate* commerce among the several States—
>
> POLICE POWER OF STATE AND COMMERCE POWER OF NATION.

Do the same thing? The same thing that a State can do with commerce within that State? That is the question the Supreme Court asks—yes, and decides. For example, the same argument could have been made—and I have looked through the debates and I have them here—on the antilottery law. The late Senator from Missouri, Mr. Vest, whose brilliant intellect still illumines this Chamber, at first thought he would resist it on constitutional grounds, but he did not.

It could as well be said that it was the province of a State to pass laws protecting their people from the evil of lotteries, as many of the States do, just as many of the States have passed laws against child labor, some effective, some ineffective, some grotesque; and some States have not passed a law at all.

It might as well be said, and it was said, that it was a part of the "police power of the State"—a term which is abused so much—as for the States to pass laws for protecting their citizens from the evils of lottery tickets. I will say to the Senator from South Carolina that one of the most powerful arguments

made before the Supreme Court in the Lottery Case was that the power to *suppress* the transmission of lottery tickets, the power to save a State's people from the moral evil involved in that, was a "*police power* of the State," and something which the Federal Government had no right to interfere with.

Mr. TILLMAN rose.

Mr. BEVERIDGE. Pardon me a moment. Nobody denied that that was the case; but the Supreme Court said that this was not the *only* method of reaching that evil. It is true that it is within the "police power" of a State to pass a law suppressing lotteries or the sale of lottery tickets for the saving of the morals of its people.

But it is also true that the National Government, under the power confided in it under the interstate-commerce clause, has power to *exclude* from *interstate commerce* and *prohibit* the transmission by *interstate carriers* of lottery tickets.

Mr. TILLMAN. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. BEVERIDGE. I do.

Mr. TILLMAN. Does the Senator see no difference between the suppression of gambling, so to speak, which the Lottery case involves, and the suppression of an evil which everyone acknowledges child labor to be? Can he see no difference in the regulation of the two? The Senator's bill proposes that we shall kill the evil involved in child labor by prohibiting the products from being transported in interstate commerce.

Mr. BEVERIDGE. Yes; I say——

Mr. TILLMAN. Does the Senator see no difference between that and suppressing gambling in lottery tickets by not having them distributed all over the country?

Mr. BEVERIDGE. To use the language the Senator so often employs, to give the Senator a "common sense" answer, void of "technicality," there is as much difference between the one and the other as there is between gambling and murder, because lottery tickets involve gambling and the poisoning of the people's morals, and I have shown here by sworn testimony that child labor involves murder and murder knowingly committed.

Mr. TILLMAN. Mr. President——

Mr. BEVERIDGE. That is the "common sense" answer to it.

Mr. TILLMAN. Does the Senator contend that Congress can prohibit murder in a State?

Mr. BEVERIDGE. Certainly not.

Mr. TILLMAN. Then the Senator answers himself.

Mr. BEVERIDGE. If the Senator wants me to answer my own questions, very well. If the Senator is satisfied, I am.

Mr. TILLMAN. If the Congress has no power to prohibit murder directly why should the Congress have the power to prohibit murder indirectly by prohibiting child labor, or the abuses of child labor?

Mr. BEVERIDGE. I will show the Senator by statutes upon which he himself has voted in a few moments.

Mr. SPOONER. If the Senator will allow me a moment——

Mr. BEVERIDGE. Certainly. But may I interrupt the Senator a moment before he asks me a question? Does the Senator from South Carolina think that Congress can pass a law prohibiting gambling in the States?

Mr. TILLMAN. Ordinary gambling?

Mr. BEVERIDGE. Oh, gambling in the States. Of course I do not know——

Mr. TILLMAN. I am very anxious to have Congress or somebody else pass a law to prohibit the gamblers in Wall street, who are stealing our cotton——

Mr. BEVERIDGE. This is not a humorous discussion.

Mr. TILLMAN. And to stop the dealing in futures. I should like to see something done along that line.

Mr. BEVERIDGE. This is not a humorous discussion.

Mr. TILLMAN. I am not making any humor. I assure the Senator I was never more in dead earnest in my life.

Mr. BEVERIDGE. The Senator says it is perfectly competent for Congress to exclude lottery tickets from the mail and thus suppress gambling. And he asked me whether or not Congress has power to prevent murder in a State. I say "No."

Now, I ask the Senator, Has Congress power to prevent gambling in a State? Certainly not. I do not expect the Senator to say it has; but the Senator has just admitted that we have power and have exercised it in the lottery cases to *indirectly* prevent gambling in a State. Now I will hear the Senator from Wisconsin.

Mr. TILLMAN. The antilottery law business prevented the evil of gambling in one State from being spread all over from that one center.

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. BEVERIDGE. Certainly.

Mr. SPOONER. The Senator from Indiana is discussing in perfect good faith and ability a question which, to my mind, is very vital to the people of the United States. I understand he predicates his argument (if I am wrong about that he will correct me) upon the proposition that Congress has absolutely unlimited power over interstate commerce. Am I right?

Mr. BEVERIDGE. The power of Congress over interstate commerce is as great as its power over commerce among the Indian tribes or with foreign nations.

Mr. SPOONER. That is only quoting the language of the constitutional provision, but that does not answer my question. The Senator will pardon me. The Senator said yesterday (and I ventured to ask him a question, because I respect him and desired his view about it) that it is in the power of Congress under the commerce clause to prohibit at its will the transportation of any article from State to State or to foreign countries. Is that the Senator's position?

Mr. BEVERIDGE. I will answer the Senator not indirectly, but I will answer him directly in two ways.

Mr. SPOONER. I simply wish to bring that to the attention of the Senator.

Mr. BEVERIDGE. First, then, my own personal view: The question is much broader than this bill justifies, and that is the reason why I am going to answer your question in two ways.

My own personal view upon the question of *power* exclusively is that the *power* of Congress is that broad, and that it is a question of *policy* over what articles we will exercise it. I shall try to illustrate that in a moment. In answering thus I am answering the Senator quite as broadly as his question.

But the Senator's question is broader than this particular bill under discussion makes necessary, and therefore I will only answer, as to the second answer, as broadly as the present bill does justify. It is not necessary for me to make a broader answer than the bill itself calls for. I am not going to have a straw man, or what the Senator may think is a straw man—that is, my personal views about the scope of my power—erected to be knocked down by anybody.

So I give the Senator my second portion of the answer, as follows: That even if I am wrong in my first, which is, as I think, supported by numerous decisions of the Supreme Court, there can be no question that I am right in this very limited view at least, that we have the unquestioned power to exclude from interstate commerce any article which, in our judgment, is deleterious to the people of the United States, whether it be by reason of its unhealthfulness, whether it be by reason of its supposed effect upon the morals of the people, or whether it be by reason of a circumstance of its manufacture which is hurtful to the American people—which, to use the phrase most often used in all these cases, is inimical to the "interests of the nation." Now, I have answered the Senator's question.

Mr. SPOONER. Now, Mr. President, if my interruption is not agreeable to the Senator——

Mr. BEVERIDGE. It is welcome.

Mr. SPOONER. The Senator has answered the question fully and frankly and from two different standpoints. Of course, I suppose there is no one in this Chamber who is not opposed to child labor. It is withering—that is a good word for it—the mental and physical faculties of the young, who are to be the governing body of this country. Not differing at all with the Senator in his denunciation of child labor or in his declaration—in which there is very much truth—that the States have not adequately dealt with it, my trouble is in the power of the Federal Government to regulate it. I suppose the Senator would admit that it is entirely incompetent for Congress to constitutionally enact a law in terms regulating child labor in the States. That is not debatable, I take it, by anyone. So the Senator is obliged to fall back upon the commerce clause of the Constitution to enable the thing to be done, Congress to accomplish by indirect means what confessedly it can not constitutionally accomplish by direct means.

Now, the Senator says, first—I did not mean to make a speech——

Mr. BEVERIDGE. Go ahead.

Mr. SPOONER. The Senator says, first—and I think he has to say, although the distinction which he draws has force so far as the decision in the lottery case goes, that Congress has unlimited power over interstate commerce, and it may say who shall engage in interstate commerce, and it may say who shall not. It may say what articles can be transported from State to State, from the State of production to the State of sale or to a foreign country.

Now, Mr. President, I want to ask the Senator, apart from the decision upon which he relies, if the word "regulate" does not of necessity involve the continued existence of the thing to be regulated, whether it does not in terms inherently exclude

the power to destroy; in other words, to prohibit, and if, taking the Senator's first proposition——

Mr. BEVERIDGE. The Senator is putting a good many questions to me, of course.

Mr. SPOONER. No; I do not. On the first proposition made by the Senator, is it not true that Congress can prohibit the transportation of an innocuous commodity and a necessary one from State to State because in the State of production it was not the product of union labor?

Mr. BEVERIDGE. Yes; under my first answer.

Mr. SPOONER. Or, Mr. President——

Mr. BEVERIDGE. But will the Senator pardon me a minute?

Mr. SPOONER. Pardon me.

Mr. BEVERIDGE. Pardon me.

Mr. SPOONER. Yes.

Mr. BEVERIDGE. I stated that abstract answer to the Senator. It is an abstract question, though I am perfectly willing to have the Senator consume any amount of time in questions. I said that question and the answer which it called for and which I gave were not necessary to this bill, and I proceeded to give a substantive answer, so far as *this* bill is concerned, which the Senator said was fair and the distinction important.

Mr. SPOONER. Well, I will get to that.

Mr. BEVERIDGE. You are arguing the bill.

Mr. SPOONER. No; I am not.

Mr. BEVERIDGE. But I do not want to forget the question of the Senator. He is putting four or five at once.

Mr. SPOONER. No; I do not mean to do so, and I will not continue.

Mr. BEVERIDGE. It is all right, except I do not want to lose sight of it in my mind.

Mr. SPOONER. No; the Senator will not lose sight of anything. I will pay him that tribute.

Mr. BEVERIDGE. I could not lose sight of the Senator.

Mr. SPOONER. So, on the Senator's theory, Congress may prohibit transportation from State to State of any article in the production of which eight hours a day was not in vogue in the labor which produced it.

Mr. BEVERIDGE. I personally think that, I will say to the Senator; but I will state that under this bill that case can not be debated at all.

Mr. SPOONER. I will get to that in a minute.

Mr. BEVERIDGE. Well, go ahead.

Mr. SPOONER. Under that theory, is it not true that the power given by the Constitution to Congress to regulate commerce for the purpose of keeping the channels of commerce free and unobstructed is prostituted into a construction which warrants the General Government itself to obstruct the channels of commerce?

Mr. BEVERIDGE. Does the Senator ask me that question?

Mr. SPOONER. No; in just a minute.

Now, Mr. President, I come to the second branch. I make the suggestion, and I want to hear the Senator on it; that is all.

Mr. BEVERIDGE. I do not want to forget.

Mr. SPOONER. The Senator forgets nothing.

Mr. BEVERIDGE. That is very kind, but I do not want to run the risk. I do not want to let the Senator kill me with compliments until I run the risk of forgetting his questions.

Mr. SPOONER. Now I come to the second proposition. If the power to regulate commerce involves the power to prohibit commerce when, in the judgment of Congress, there is involved the habits or the morals of the people, what limit is there to the power? Where Congress has the power——

Mr. BEVERIDGE. Yes; that question, I will say to the Senator, when that particular branch of the argument is reached, I want to take up logically to answer most fully. It simply involves the ancient argument that has been made every time a case of this kind has gone to the Supreme Court, and that is so easily made, that because a power may be exercised abusively, absurdly, grotesquely, and ruinously, if it is admitted to exist at all, therefore it does not exist. That is no new argument. The Supreme Court has decided time and again that the *abuse* of power does not argue against its *existence*. Does the Senator deny that?

Mr. SPOONER. The Senator now puts me a question——

Mr. BEVERIDGE. Yes; I do.

Mr. SPOONER. Which I will not forget to answer. The power of taxation under the Constitution is without limit except as to uniformity. When Congress, as in the oleomargarine case and some others, exercised that power, the Supreme Court sustained it, because where a power is given to Congress the discretion, the wisdom of Congress in its exercise is not subject to judicial review.

Mr. BEVERIDGE. That is quite right so far as the policy involved is concerned. All that judicial review has to do with it is a question of abstract power.

Mr. SPOONER. Yes; that is right. Now, if Congress should come to the conclusion on the Senator's argument that it affects the morals of the people, the labor of the people, that there should be an eight-hour labor day, or that all labor should be combined into a labor union, and should therefore prohibit transportation from State to State of any commodity which is not the product of eight-hour labor or of union labor, does the Senator think——

Mr. BEVERIDGE. Or that we could prohibit it altogether?

Mr. SPOONER. Or prohibit it altogether.

Mr. BEVERIDGE. What is the Senator's question?

Mr. SPOONER. Can the court review the wisdom and discretion of Congress?

Mr. BEVERIDGE. I will answer that question upon the very best of authority.

Mr. SPOONER. What is it?

Mr. BEVERIDGE. The Senator from Wisconsin [Mr. SPOONER].

Mr. SPOONER. I deny the ex cathedra character of the testimony.

Mr. BEVERIDGE. In the oleomargarine case one of those familiar types of questions, "If you can do this, can you not do something else that is extreme?" was asked of the Senator from Wisconsin by the Senator from Texas [Mr. BAILEY]. The Senator from Texas said:

> Mr. BAILEY. Mr. President, with the Senator's permission, I am going to take my question away from oleomargarine, because I really desire an expression of the Senator's opinion.
>
> The same phrase, always used.
>
> Let us broaden it until, we will say, Congress should pass a law declaring that every article, when passing from one State into another, should immediately, upon the arrival of that article, or of all articles, into the State, become subject to its laws, does the Senator from Wisconsin believe that such a law would be constitutional?
>
> Mr. SPOONER. Subject to the police laws of the State?
>
> Well, it is an impossible question. Congress would never think of passing any such law.
>
> (CONGRESSIONAL RECORD, 3509, Fifty-seventh Congress, first session, vol. 35.)

So I adopt the Senator's language in answering the Senator's question.

Mr. SPOONER. Now, Mr. President, the Senator from Texas, with his accustomed dialectic skill in debate upon the oleomargarine bill, vainly attempted to force me or beguile me into a defense of it under the commerce clause of the Constitution. I did justify it under the taxing clause of the Constitution.

Mr. BEVERIDGE. But will the Senator pardon me right there?

Mr. SPOONER. Yes; of course.

Mr. BEVERIDGE. That has nothing to do with the answer which the Senator gave, which was absolutely the correct answer and the one that has been given this morning. The same sort of argument which the Senator is making now has been put to the Supreme Court, that it is an "impossible question." For example, the Senator asked me whether, if this power was conceded to prohibit it in one, we could not prohibit it in all; could we not go to the extent of providing that everybody in the United States shall join a labor union and not ship their goods otherwise?

Mr. SPOONER. The Senator said "Yes."

Mr. BEVERIDGE. I said, in answer to that, "It is an *impossible question*," to use the exact language of the Senator from Wisconsin.

Mr. SPOONER. No; the Senator said "Yes."

Mr. BEVERIDGE. No; I say it is an "impossible question."

Mr. CARMACK. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Yes.

Mr. CARMACK. I think it is the answer which seems impossible, rather than the question. [Laughter.]

Mr. BEVERIDGE. Well, the Senator is interjecting, on behalf of the Senator from Wisconsin, his ready wit.

Mr. CARMACK. I withdraw it, Mr. President.

Mr. BEVERIDGE. The Senator from Wisconsin has asked me a question, and I want to answer it.

Mr. SPOONER. This question has troubled me more than any other question which is to-day mooted in the United States.

Mr. BEVERIDGE. I am trying my best, with a great deal of diligence and a great deal of hard labor, to relieve the Senator from his trouble, if he is willing to be relieved.

Now, I want to answer the Senator's question. The Senator asked me whether or not I thought we could pass a law directly prohibiting child labor in any State.

Mr. SPOONER. Yes.

CAN CONGRESS DO INDIRECTLY WHAT IT CAN NOT DO DIRECTLY?

Mr. BEVERIDGE. And he then answered it himself by saying we could not; but that was not the subject to decide. I have the Senator's words entirely in mind, and I am now going to ask the Senator a question. Then the Senator asked, with some vigor, if we could not do this directly, how, by using the interstate-commerce clause of the Constitution, can we accomplish the same object indirectly?

Now I ask the Senator, does the Senator say that we could pass a law directly prohibiting lotteries in any State?

Mr. SPOONER. We could not.

Mr. BEVERIDGE. We could not. Then, according to the Senator's reasoning, I ask how can we, by invoking the interstate-commerce clause of the Constitution, do that very thing indirectly? For we have.

Mr. SPOONER. Mr. President, Congress passed two acts in regard to lotteries.

Mr. BEVERIDGE. Mr. President——

Mr. SPOONER. Pardon me a moment. In the exercise of its undoubted constitutional power, Congress passed an act excluding lottery tickets and lottery literature from the mails.

Mr. BEVERIDGE. I went over the history of that.

Mr. SPOONER. It will take but a moment. Congress had direct authority to do that. Congress supplemented, I think unwisely and unconstitutionally, although the Supreme Court held it to be constitutional——

Mr. BEVERIDGE. Although the Supreme Court held to the contrary.

Mr. SPOONER. I was about to say that although the Supreme Court, having the case under consideration three times, by a majority of one sustained the act which was passed to exclude lottery tickets, literature, etc., from the mails.

Mr. BEVERIDGE. Do I understand the Senator to criticise the Supreme Court because it decided by a majority of one?

Mr. SPOONER. Well, it was a case that I do not regard as being an authority to build a fabric upon which would entirely change——

Mr. BEVERIDGE. Let me call the Senator's attention to the fact, since he has mentioned that it was decided by a divided court, that the minority of four placed their dissent almost exclusively upon the ground, not that Congress did not have the *power* to *exclude* lottery tickets from interstate commerce if they were articles of commerce, but upon the point that lottery tickets were no more the subject of commerce than policies of insurance were the subject of commerce.

Mr. SPOONER. The Senator will not permit me to finish the sentence.

Mr. BEVERIDGE. Not at that point; but now I will.

Mr. SPOONER I only want to say this, and then I will not interrupt any further——

Mr. BEVERIDGE. All right; if you can satisfy the Senator from Montana [Mr. CARTER], who is to take the floor as soon as I finish.

Mr. SPOONER. This is a more important question than the question which the Senator from Montana wants to discuss.

Mr. BEVERIDGE. I think the Senator from Wisconsin will find it as hard to convince the Senator from Montana upon that point as I find it to convince the Senator from Wisconsin on this.

Mr. SPOONER. I want to call the Senator's attention to the fact that the court say, in the majority opinion:

> The whole subject is too important, and the questions suggested by its consideration are too difficult of solution, to justify any attempt to lay down a rule for determining in advance the validity of every statute that may be enacted under the commerce clause.

Mr. BEVERIDGE. You are reading from the end of the lottery case decision now.

Mr. SPOONER. I am reading the end of the opinion of the court.

Mr. BEVERIDGE. Yes; I know that. I was going to read it myself.

Mr. SPOONER. The court continue:

> We decide nothing more in the present case than that lottery tickets are subjects of traffic among those who choose to sell or buy them; that the carriage of such tickets by independent carriers from one State to another is therefore interstate commerce—

Not the persons who had engaged in the manufacture of that product in the States before it was put into interstate commerce at all, but to the product transported—

> that under its power to regulate commerce among the several States, Congress, subject to the limitations imposed by the Constitution upon the exercise of the powers granted, has plenary authority over such commerce and may prohibit the carriage of such tickets from State to State.

Mr. BEVERIDGE. Yes; I am very much obliged to the Senator for reading what I was going to read myself.

Mr. SPOONER. The Senator is entirely welcome.

But there is a broad distinction between a case where the matter involved is held by the court to be the subject of transportation itself, and therefore subject to the regulative power of Congress and——

Mr. BEVERIDGE. You put a proposition and then go on and do not let me answer it.

Mr. SPOONER. With this sentence I will relieve the Senator: And the prohibition of the transportation from State to State of an entirely innocuous article of commerce from the standpoint of morals and everything else, so far as the article is concerned, simply with reference to the character of those who manufacture it.

Mr. BEVERIDGE. Now, Mr. President, I hope the Senator will give me his attention upon that last proposition.

Mr. SPOONER. I will.

NATURE OF ARTICLE SOURCE OF POLICY, BUT NOT OF POWER.

Mr. BEVERIDGE. I will answer the Senator's question. The Senator has told this Senate, who are more or less familiar with this Lottery Case, that lottery tickets were excluded because they were *per se* a bad thing. That is what the Senator said. He further said that the distinction between excluding the article—a lottery ticket—from commerce and excluding a child-made piece of goods from commerce was that the child-made piece of goods had in itself no evil, whereas the lottery ticket did have evil.

The Senator does not mean to let the Senate understand him as saying that. The lottery ticket was as innocuous as this desk; as innocuous, so far as the ticket itself is concerned, just as the product of child labor is, as innocuous as this desk. But it became tainted at the source of its issue, just as child-made goods become tainted with the crime of their manufacture.

There is where the original taint came that excluded the lottery ticket; not in the ticket itself, which was as harmless as any other substance, but in the fact that it issued from a gambling establishment and was a species and a product of crime.

Mr. CARMACK. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. I must get on with this Lottery Case, because I promised the Senator from Montana that I would get through. If the Senator has something else than witty remarks to make, I shall be glad to hear him.

Mr. CARMACK. I was going to suggest that there was an evil resulting directly from the commerce involved in the carrying of lottery tickets.

Mr. BEVERIDGE. Now, Mr. President——

Mr. BACON. Will the Senator permit me just to ask him one question there?

Mr. BEVERIDGE. Yes; I shall be glad to hear it.

Mr. BACON. The Senator says the lottery ticket is in itself as innocuous as the desk which the Senator uses for the purpose of illustration.

Mr. BEVERIDGE. That is what I said. The Senator is right about that.

Mr. BACON. The question I want to ask the Senator is this: Does he recognize or claim that obscene literature is innocuous because there is nothing offensive in the paper upon which it is written or printed?

Mr. BEVERIDGE. No; certainly not. It is innocuous so far as the paper itself is concerned on which it is written or printed. But I am going to read to the Senate the obscene literature statute and several other statutes we have passed, some concerning articles and excluding them from commerce, that are not innocuous either in their origin or in their consequences.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from California?

Mr. BEVERIDGE. I yield.

Mr. PERKINS. As the Senator is answering a question which has been asked by the distinguished Senator from Wisconsin [Mr. SPOONER], I wish on that line to ask if I understand him correctly that, if Congress in its wisdom should see proper, and it could be shown to be as deleterious and as debasing to the moral, spiritual, and physical welfare of mankind as child labor that men and women who are over 50 years of age perform labor in the manufacture of goods, whether Congress has the power to pass a law prohibiting the transportation of goods made by them?

Mr. BEVERIDGE. I will say that I have been unfortunate in not having had the Senator's presence when I argued that question in varying forms. The Senator from Wisconsin [Mr. SPOONER] asked, if we had the power to do this, had we not the power to make everybody join a labor union and exclude from transportation articles which were not made by such labor. The Senator from California [Mr. PERKINS] now puts the same question, only substituting for the labor union the product of

people who are over 50 years of age. The answer is the same.

I carefully answered the question the Senator from Wisconsin put to me from two points of view, one the broad point of view, which is not at all called for by this bill; and the other the narrower point of view, which is called for by this bill.

I would be glad to go over that again if it were not that the Senator from Montana is waiting to take the floor at the conclusion of my remarks. I will, however, with the permission of the Senator from Montana, merely take the time to answer the Senator's question.

Mr. PERKINS. Mr. President, I think it can be shown that as pitiable a sight as can be called to mind is that of aged persons who are compelled to labor physically or mentally for the support of those who are dependent upon them. I think there can be as forcible an appeal made in their behalf as has been made for children under 14 years of age. The child is looking with hope and buoyancy to the future——

Mr. BEVERIDGE. The Senator must not take my time to deliver an oration, because I know what the effect of that would be. It would get the Senate off from the subject I am trying to discuss.

Mr. PERKINS. I will say that I have yielded my desk to the Senator from Indiana from which to deliver his speech and that it has had more brains back of it during the few hours my friend has been there than it has had for the last fourteen years since I have been there. [Laughter.]

Mr. BEVERIDGE. I will ask the Senator this question: Does he propose to vote against the exclusion from interstate commerce of goods made by the blood of children because he fears some person might introduce a bill excluding from interstate commerce goods made by men and women over 50 years of age?

Mr. PERKINS. I am waiting for the completion of the argument of the Senator before I decide.

THIS ILLUSTRATED BY EXCLUSION OF LOTTERY TICKETS.

Mr. SPOONER. Will the Senator from Indiana yield to me for a question?

Mr. BEVERIDGE. Yes, sir.

Mr. SPOONER. The Senator says, referring to the lottery ticket, that the vice of it is in the issuing of it; the taint which characterizes it is its origin.

Mr. BEVERIDGE. I know just what the Senator is going to say, that the termination of the ticket is also.

Mr. SPOONER. I knew the Senator would know that; but the Senator knowing that, did not say that. He traces the whole trouble to the source. Now, is it not a fact that the whole trouble with the lottery ticket lay in its transportation?

Mr. BEVERIDGE. The trouble is at both ends of the line.

Mr. SPOONER. No; it lay in the transportation.

Mr. BEVERIDGE. The trouble is at both ends of the line.

Mr. SPOONER. The trouble in the beginning is nothing without the end.

Mr. BEVERIDGE. And the trouble at the end is nothing without the beginning.

Mr. SPOONER. Between the beginning and the end. The trouble is in the transportation. The lottery ticket is signed. That entitles no one to draw from the lottery; but when it is transported and when it is delivered after having been transported, that is the consummation of a gambling contract.

Mr. BEVERIDGE. But I ask the Senator this: As a question of *power* and not as a question of policy—excluding that—does the Senator say that the evil, either at the beginning or at the end, is what gives us the *power?*

Mr. SPOONER. I do not say that.

Mr. BEVERIDGE. Then the *power* exists—the policy being put aside—regardless of the evil either at the beginning or at the end of the lottery ticket's journey.

Mr. SPOONER. Yes——

Mr. BEVERIDGE. That is right. The Senator takes a position as broad as I do.

Mr. SPOONER. No; I do not take the Senator's position at all. I am trying to understand it.

Mr. President, an article manufactured in whole or in part by child labor——

Mr. BEVERIDGE. I want to keep the Senator on the lottery-ticket proposition, because I want to make a point on that, if the Senator will permit me.

Mr. SPOONER. I will get to that, if the Senator will allow me just a moment.

Mr. BEVERIDGE. I do not want you to get by it. I want you to stick to it.

Mr. SPOONER. A lottery ticket is nothing without delivery——

Mr. BEVERIDGE. Certainly not.

Mr. SPOONER. And having been excluded from the mails it can only be delivered by express companies.

Mr. HALE. Mr. President, I hope the Senator from Wisconsin will allow the Senator from Indiana to proceed, as he practically agreed that he would close his remarks near 2 o'clock.

Mr. BEVERIDGE. I am trying to do so just as fast as I can.

Mr. SPOONER. I ask permission of the Senator from Maine——

Mr. HALE. To prolong the discussion?

Mr. SPOONER. No, sir; not at all. But only to take one moment.

Mr. HALE. I want the Senator to bear in mind what was practically the obligation of the Senator from Indiana that he would close his remarks about 2 o'clock.

Mr. BEVERIDGE. No; I will say to the Senator——

Mr. SPOONER. I was not a party to the making of that contract; but I will observe it.

Mr. BEVERIDGE. I will try to conclude as soon as I can. I will say to the Senator from Maine that I have occupied the last hour in answering questions, or, rather, having Senators make speeches in my speech. I do not object to that at all, only I am not to blame for that.

Mr. SPOONER. I am to blame for putting some questions to the Senator from Indiana, which are pertinent, I think, and which are involved in the pending legislation. With one more suggestion, I will not interrupt him further.

The lottery ticket is of no avail whatever; it does no harm until it is delivered.

Mr. BEVERIDGE. Yes.

Mr. SPOONER. It has been excluded from the mails, and therefore it can only be delivered by express, and the delivery consummates the contract.

Mr. BEVERIDGE. But I have covered that——

Mr. SPOONER. If the Senator will pardon me a moment, the delivery consummated the contract, and the harm was really in the delivery. Now, in the case of an article entirely innocuous, which might be transported from one State to another and delivered in a State other than the State of production, there is no harm in the delivery. It is just as good an article and it is just as necessary to the people to have it delivered as if child labor had not entered into its production. So that in that case the whole trouble, the whole evil is in the State of production, and delivery and transportation have nothing to do with it.

Mr. BEVERIDGE. Now, I ask the Senator the question I asked him a moment ago, because I want to get from him the answer that he made a moment ago. Excluding the question of *policy* and considering the question of *power*—which is what we are now dealing with—does the Senator say that either the shipment or the delivery of a lottery ticket confers the *power* upon us?

Mr. SPOONER. I do not; but I say this——

Mr. BEVERIDGE. Certainly; that is as broad a position as I take.

Mr. SPOONER. I say that the court held it was an article of commerce; that it involved transportation and delivery, and therefore it might be regulated, and I say this is an entirely different case.

CORRECTNESS OF SUPREME COURT IN LOTTERY CASE.

Mr. BEVERIDGE. Mr. President, the Senator has admitted, as I knew he must admit when the question was put, that, as a question of *power*, neither the shipment nor the delivery of the lottery ticket confers the *power* upon us.

Mr. SPOONER. I said the principle in the case of child labor is different from the one involved in the lottery decision.

Mr. BEVERIDGE. The Senator has overruled the Supreme Court of the United States in the Lottery Case, and has said so frankly.

Mr. SPOONER. I am stating my opinion about it.

Mr. BEVERIDGE. When I asked him if that was true, he said it was a divided court; and I pointed out that the division *did not occur upon this question at all*, but it did occur upon the question whether a lottery ticket was an article of commerce. That is true, is it not?

Of course the Senator would not say that to-day either the shipment or the delivery was what created the *power*, because, if he had, he would have been confronted by the historic fact that up to about fifty years ago lottery tickets and lotteries were a favorite method of raising money for various enterprises in this country, and no law could have been passed up to that time.

Now, I want to go on with this Lottery case. The Senator from Wisconsin says we have no power—and I concede it—to pass a law directly stopping child labor. Therefore, said he,

under the interstate commerce clause can we do indirectly what we admit we can not do directly?

But that is answered by substituting the words "lottery ticket" for "child labor" and by asking the Senator, "Can we pass a law directly prohibiting lotteries in any State?" and the Senator says, "No; certainly not."

Then, using his own language and substituting only the word "lottery," I ask him whether we can invoke the interstate-commerce clause to do that indirectly which he admits we can not do directly; and the Senator is impaled upon the horn of that dilemma because of this decision of the Supreme Court with which the Senator disagrees.

Of course, all I can do to convince the Senator is to cite decisions of the Supreme Court; and if the Senator does not believe it is constitutional under that authority, of course that is the end of my labor. Now, I will read further, and I want the attention of both Senators to this. I am trying to get through as fast as I can, and I should like the attention of the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Wisconsin [Mr. SPOONER] to this. I continue the reading of this decision.

I am still reading from the decision of the Supreme Court in the Lottery case:

In this connection it must not be forgotten that the *power* of Congress to *regulate* commerce among the States is *plenary*, is complete in itself, and is subject to *no limitations* except such as may be found in the Constitution.

Now, proceeds the court:

What provision in that instrument can be regarded as *limiting* the *exercise* of the *power* granted? What clause can be cited which *in any degree* countenances the suggestion that one may, *of right*, carry or cause to be carried from one State to another that which will harm the public morals? *We can not think of any clause of that instrument that could possibly be invoked by those who assert their right* to send lottery tickets from State to State except the one—

That is where the Lottery case is a good deal weaker than the child-labor case—

providing that no person shall be deprived of his liberty without due process of law.

I think that answers the question that was suggested early in the day by the Senator from Rhode Island. I have a lot of this Lottery case that I must read, and the Senator from Maine and the Senator from Montana are both very justly impatient.

Mr. SPOONER rose.

Mr. BEVERIDGE. Suppose you allow me to read this, also from the decision of the Supreme Court of the United States in the Lottery case:

If it be said that the act of 1895 is inconsistent with the tenth amendment, reserving to the States, respectively, or to the people the powers not delegated to the United States, the answer is that the power to *regulate* commerce among the States has been *expressly delegated* to Congress.

And this:

POLICE POWER OF STATE *v.* "ONLY POWER COMPETENT TO END" EVIL.

As a *State* may, for the purpose of guarding the *morals of its own people*, forbid all sales of lottery tickets within its limits, so *Congress*, for the purpose of guarding the *people of the United States* against the "widespread pestilence of lotteries" and to protect the commerce which concerns all the States, may *prohibit* the carrying of lottery tickets from one State to another.

And this:

It said, in effect, that it would not permit the declared policy of the States, which sought to protect their people against the mischiefs of the lottery business, to be overthrown or disregarded by the agency of interstate commerce. We should hesitate long before adjudging that an evil of such appalling character—

And where is the Senator from Wisconsin?

Mr. SPOONER. He is here.

Mr. BEVERIDGE—

carried on through interstate commerce, can not be met and crushed *by the only power competent to that end.*

And so, as in the case of the lottery tickets, *each State* had a perfect right to pass lottery laws that would end the evil *within its borders;* but that would not prevent a lottery in another State sending the evil into the first State. There was only one power competent to that end, and although nobody questioned the police power of the States acting upon this subject within their limits, still it could only be ended, says the Supreme Court, by invoking the power of the General Government.

But the Senator from Wisconsin [Mr. SPOONER] says that this decision of the Supreme Court is itself unconstitutional.

But never mind. The Supreme Court goes on:

We say competent to that end, because *Congress alone* has the *power* to occupy by legislation the *whole field of interstate commerce.* What was said by this court upon a former occasion may well be here repeated: "The framers of the Constitution never intended that the legislative power of the Nation should find itself incapable of disposing of a subject-matter specifically committed to its charge." (In re Rahrer, 140 U. S., 545, 562.)

And the Supreme Court concludes this particular syllogism as follows:

If the carrying of lottery tickets from one State to another be interstate commerce, and if Congress is of opinion that an effective regulation for the suppression of lotteries, carried on through such commerce, is to make it a criminal offense to cause lottery tickets to be carried from one State to another, we *know of no authority in the courts to hold that the means thus devised are not appropriate and necessary to protect the country at large against a species of interstate commerce* which, although in general use and *somewhat favored* in both national and State legislation in the early history of the country, *has grown into disrepute* and has become offensive to the entire people of the Nation. It is a kind of traffic which no one can be entitled to pursue *as of right.*

So that the *power* was not limited if it was merely an article of interstate commerce. The Supreme Court excludes, as the Senator did in answering my question, the suggestion that *power* arises by reason of the *evil* of the traffic. There is where the *policy* comes in, not the *power.*

Now, I call the attention of the Senator from Rhode Island to this, because this is his point:

That *regulation* may sometimes appropriately assume the form of *prohibition* is also illustrated by the case of diseased cattle transported from one State to another. Such cattle may have, notwithstanding their condition, a value in money for *some* purposes, and yet it can not be doubted that Congress, under its power to *regulate* commerce, may either provide for their being inspected before transportation begins, or, in its *discretion*, may *prohibit* their being transported from one State to another.

Still the Supreme Court keeps on:

The act of July 2, 1890, known as the Sherman antitrust act, and which is based upon the power of Congress to regulate commerce among the States, is an illustration of the proposition that *regulation* may take the form of *prohibition.* The object of that act was to protect trade and commerce against unlawful restraints and monopolies. To accomplish that object Congress declared certain contracts to be illegal. That act, in effect, *prohibited* the doing of certain things, and its *prohibitory* clauses have been sustained in several cases as valid under the power of Congress to *regulate* interstate commerce.

And again, for it appears that the Supreme Court was quite determined and persistent on this question:

That *regulation* may sometimes take the form or have the effect of *prohibition* is also illustrated in the case of In re Rahrer, 140 U. S., 545. In Mugler *v.* Kansas, 123 U. S., 623, it was adjudged that State legislation *prohibiting* the manufacture of spirituous, malt, vinous, fermented, or other intoxicating liquors within the limits of the State, to be there sold or bartered for general use as a beverage, does not necessarily infringe any right, privilege, or immunity secured by the Constitution of the United States or by the amendments thereto.

* * * * * * *

Thus under its power to *regulate* interstate commerce, as involved in the transportation, in original packages, of ardent spirits from one State to *another.*

And then, of course, it goes into the Rahrer case more completely; but I will leave that for a moment, because I come to the other questions which the Senator from California [Mr. PERKINS] and the Senator from Wisconsin [Mr. SPOONER] and the Senator from Oregon [Mr. FULTON] raised as to the possible abuse of this power. I will read that portion of the decision which the Senator from Wisconsin read. On this point the Supreme Court says:

We decide nothing more in the present case than that lottery tickets are subjects of traffic among those who choose to sell or buy them; that the carriage of such tickets by independent carriers from one State to another is therefore interstate commerce; that under its power to *regulate* commerce among the several States Congress, subject to the limitations imposed by the Constitution upon the exercise of the powers granted—

And the court says that there was no clause that it could find that limited them—

has *plenary authority* over such commerce and may *prohibit* the carriage of such tickets from State to State.

The Senator from Wisconsin [Mr. SPOONER] has admitted, and the court has held, that so far as the *power* is concerned, excluding the question of *policy*, the *power* does not spring from the evil at the beginning or the end of transportation or from the middle of it either.

Mr. President, there are some other cases upon this point, but I do not intend, in view of the lateness of the hour, to give any more time to this particular point. Perhaps as the debate proceeds I shall. But I think I shall be able to convince—I wish the Senator from Rhode Island were here, because it is a point to which I wish to call his particular attention most of all—Senators that Congress has already exercised this power many times.

POWER OVER FOREIGN AND INTERSTATE COMMERCE IDENTICAL.

The reason I ask it is because the Senator from Rhode Island raised this question with me himself, both personally and in debate. Does any Senator, any lawyer—and if he does, I will be glad to hear from him *now*—contend that the power of Congress over interstate commerce and over foreign commerce is not *precisely the same?*

If any Senator does so contend, I am compelled to quote

other decisions of the Supreme Court, and I will quote them briefly, to the effect that *they are the same;* and I call the attention of Senators to this. It is conclusive of this case, more conclusive than the Lottery case, though that alone is decisive.

I say that the following cases decide that the power of *Congress over interstate commerce is the same as the power of Congress over foreign commerce,* and I quote the following authorities:

Gibbons *v.* Ogden (9 Wheat.), which, of course, is the foundation decision of all interstate-commerce decisions.

The Supreme Court says, through Mr. Justice Marshall, after he had given the definition of the word "regulate" and the word "commerce"——

Mr. ALDRICH entered the Chamber.

Mr. BEVERIDGE. I will say to the Senator from Rhode Island that I promised him that I would cite decisions upon this proposition—because if I am right upon this proposition, this case is settled, even more so than the Lottery case, which settles it entirely aside from the point I am now making—that *the power of Congress over interstate commerce is the same as it is over foreign commerce.* The first case is that of Gibbons *v.* Ogden.

Says the court, and it is Marshall who is speaking—

If this be the admitted meaning of the word—

That is, the word "commerce"—

in its application—

I want the Senator from Rhode Island to hear these cases, because the Senator was rather worried about this proposition. He said so yesterday and again to-day—

in its application to *foreign nations*——

Mr. ALDRICH. My doubt upon this subject is shared by the Supreme Court, as I have shown by the extract from the decision which I read, which was delivered recently.

Mr. BEVERIDGE. I want to say to the Senator that that does not conflict, and that the Supreme Court had directly held this thing. The Senator certainly is not unwilling to listen to the decisions of the Supreme Court.

Mr. ALDRICH. Mr. Justice White, who delivered the opinion in the case from which I read, evidently was not aware of the fact the Senator has stated.

Mr. BEVERIDGE. That was the case of Butterfield *v.* Stranahan. It does not hold any such thing, as I shall show.

But listen to the Supreme Court, speaking by its greatest Chief Justice:

If this be the admitted meaning of the word, *in its application to foreign nations,* it must carry the *same meaning throughout* the *sentence,* and remain *a unit,* unless there be some plain intelligible cause which alters it.

Story—and Story is its greatest commentator—in his work on the Constitution, goes on to tell exactly what the clause does apply to.

Says Story:

It [the interstate-commerce power] extends as well to the navigation of vessels engaged in carrying passengers, and whether steam vessels or of any other description, as to the navigation of vessels engaged in traffic and general coasting business.

Now I come to the point about which the Senator from North Dakota [Mr. MCCUMBER] wanted me to answer him. He is not here. Story says:

It [the interstate-commerce power] extends to the laying of embargoes, *as well* on *domestic* as on *foreign voyages.*

Now, then, I read from a Supreme Court opinion, United States 141, page 57. It is proper to call it the great case of Crutcher *v.* Kentucky. Up to that time it was undoubtedly one of the most important deliverances, outside of those made by Story and Marshall. It was made by Mr. Justice Bradley, whose masterful ability and attainments are familiar to every lawyer and every schoolboy in the law.

CASE OF CRUTCHER V. KENTUCKY.

That case was where the State of Kentucky required a license from the agent of express companies before permitting them to do any business in that State. Part of the business of the companies in that State was *State* business and part come in from *other* States. Of course that was resisted, and the Supreme Court held that such a law was void because it interfered with the power of Congress over interstate commerce, which was *exclusively* in Congress. In discussing this power and the meaning of the words—

Congress shall have power * * * to regulate commerce with foreign nations and among the several States and with the Indian tribes—

The Supreme Court used the following language:

It has been frequently laid down by this court that the power of Congress over *interstate commerce is as absolute as it is over foreign commerce.*

Is that clear language?

And the court goes on—this is the Supreme Court of the United States speaking, mind you:

Would anyone pretend that a State legislature could prohibit a foreign corporation—an English or a French transportation company, for example—from coming into its borders and landing goods and passengers at its wharves, and soliciting goods and passengers for a return voyage, without first obtaining a license from some State officer, and filing a sworn statement as to the amount of its capital stock paid in?

And why not? Evidently because the matter is not within the province of State legislation, but within that of National legislation. (Inman Steamship Company *v.* Tinker, 94 U. S., 238.) The prerogative, the responsibility, and the duty of providing for the security of the citizens and the people of the United States in relation to *foreign corporate bodies,* or *foreign individuals* with whom they may have relations of *foreign commerce,* belong to the *Government of the United States,* and not to the *governments of the several States;* and confidence in that regard may be reposed in the National Legislature without any anxiety or apprehension arising from the fact that the subject-matter is not within the province or jurisdiction of the State legislatures.

And the same thing is *exactly* true with regard to *interstate commerce* as it is with regard to *foreign* commerce. NO DIFFERENCE IS PERCEIVABLE BETWEEN THE TWO.

It is not necessary to comment upon that. Language can not be clearer and more explicit.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Rhode Island?

Mr. BEVERIDGE. I do.

Mr. ALDRICH. I suppose the Senator is aware that the power of Congress over foreign commerce does not depend entirely upon the one clause, the commerce clause of the Constitution.

Mr. BEVERIDGE. Certainly I am aware of it. It depends upon two things.

Mr. ALDRICH. And therefore that Congress has a different power and an undisputed power over foreign commerce.

Mr. BEVERIDGE. The power of taxation, undoubtedly. But let me call the Senator's attention to this. The Senator is a great tariff expert, but, *constitutionally,* you have the right to lay taxes, to put on tariffs, under the taxing power, *only for the purpose of revenue.*

When you lay a tariff for *protection* it comes within the *commerce clause* of the Constitution; and if the Senator doubts that perhaps he and the Senator from Massachusetts have some respect for Mr. Justice Story, who was the greatest commentator upon our Constitution.

That question came up early in our constitutional history. They said a protective tariff was unconstitutional, and the Supreme Court admitted, and Story admits, that it is unconstitutional *under the taxing power alone.* Under that Congrss has power to lay taxes, impose imposts, etc., and nothing else.

But when it comes to *protection,* your power is derived from the *interstate and foreign commerce clause* of the Constitution, and *from that alone.* The Senator will find one entire chapter of very interesting reading, demonstrating that fact, in Story on the Constitution. Perhaps the ablest piece of work Mr. Justice Story ever did was to demonstrate that that power existed *under the interstate and foreign commerce clause.*

Mr. ALDRICH. Has the Supreme Court ever questioned that power of Congress?

Mr. BEVERIDGE. No; and nobody is questioning it now.

Mr. ALDRICH. It is purely within the discretion of Congress; and under the taxing power a duty levied for protection or for whatever purpose may be in the minds of Congress can not be questioned by the court.

Mr. BEVERIDGE. That is what the Senator says; but I am holding up here a book which is the greatest commentary upon the Constitution ever written, wherein a whole chapter is given to an exposition of the reasons why your protective tariff rests *not upon the taxing power,* but upon the *commerce clause.*

Mr. ALDRICH rose.

Mr. BEVERIDGE. But pardon me a moment. I do not intend that the Senator shall get away from the decision I just read to him, where the Supreme Court justifies the decision in Crutcher *v.* Kentucky by saying Congress has such and such a power over *foreign commerce.* If over *foreign commerce,* then over *interstate commerce,* because *they are one and the same,* says the Supreme Court of the United States. Does the Senator admit that that language is clear?

Mr. ALDRICH. The language is clear, but it is not pertinent to the question I am discussing.

Mr. BEVERIDGE. Ah, well; we will see. I will come to the pertinence of it in a minute. The proposition I submit is whether anyone questions that the power of Congress over *foreign* and *interstate* commerce is the *same?*

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Pennsylvania?

Mr. BEVERIDGE. I do.

Mr. KNOX. I am very much interested in the very powerful presentation of the proposition the Senator from Indiana is now discussing, and it is one which has given a great many jurists and lawyers a very great deal of thought in the past, and that is the question whether the power over commerce between the States is the same as the power over foreign commerce; or, in other words, whether the power of Congress is as great over commerce between the States as it is over foreign commerce. I want to ask the Senator from Indiana if this thought has occurred to him: That the Congress of the United States would have absolute and exclusive power over foreign commerce if the words "foreign commerce" were not included in the commerce clause of the Constitution at all? Do we not have that power—power over our foreign relations—by virtue of our existence as a Nation; and is not the whole purpose of the commerce clause of the Constitution to give us the power as between the States and with the Indian tribes?

Mr. BEVERIDGE. I will answer that. The Senator knows much better than I do, because he is much more learned, that this very question has been answered time and time and time again. But I do not think he will find many Senators here this afternoon, in the present temper of the Senate, agreeing with the Senator from Pennsylvania, that we have any "*inherent*" power at all. *I* agree with the Senator. I agree that we do have *inherent* power over foreign commerce, and we do not have to repose it upon the foreign-commerce clause of the Constitution.

But I can not agree with the Senator that the framers of the Constitution meant nothing at all when they inserted the words "with foreign nations." I can not agree that those words are surplusage, and I have no right to do so in view of the fact that *every assertion of our power* over foreign commerce, *whenever it has been questioned*, has been justified *under the interstate and foreign commerce clause* of the Constitution, *without one exception.*

Mr. Knox. My suggestion was only meant for the purpose of indicating that there might be a difference between the two powers.

Mr. BEVERIDGE. Then, as to whether there is a difference between the two powers—of course we have had a decision of the Supreme Court questioned here this afternoon—but let me read it again, because it is worth while to read it, for this point, if it is conceded, settles the question.

I read again from the Supreme Court in Crutcher *v.* Kentucky:

It has frequently been laid down by this court *that the power of Congress over interstate commerce is as absolute as it is over foreign commerce.*

That is clear, is it not?

Mr. KNOX. That suggestion was not necessary to the decision of that case. I know at least a dozen cases where that language has been quoted, but I do not know of a single case——

Mr. BEVERIDGE. I——

Mr. KNOX. I am searching for the truth, exactly as the Senator from Indiana is, and I should like to finish my sentence. I do not know a single case—and I will be under very great personal obligations to the Senator from Indiana if he can indicate a case—where that has been decided, really decided, not merely suggested as a part of the argument upon some other proposition.

Mr. BEVERIDGE. I myself first thought this was obiter, but upon examining it, you will find that it is not; and the reason why Mr. Justice Bradley uses this language is to justify the decision which he makes. It is a part of his method of reasoning. How did he propose to hold unconstitutional the Kentucky law, which was then before the court, which required an agent of an express company to secure a license? He did it by the following reasoning; and even the Senator will admit that if this were obiter, still, in the absence of any definite decision to the contrary on the subject, it would be law, would it not?

Mr. KNOX. I think not. I think obiter is never law.

Mr. BEVERIDGE. I will read it.

Would anyone pretend that a State legislature—

I see that amuses the Senator from New Jersey. I call the attention of the Senator from Pennsylvania to a case where not only obiter, but a dissenting opinion, in the case of Justice Story, holding as against all the rest of his colleagues that the power over interstate commerce was exclusive in Congress, afterwards in the course of fifteen years became the law. But to quote the Supreme Court:

Would anyone pretend—

I am going to try to show the Senator that Mr. Justice Bradley rests his whole opinion upon that reason.

Says Mr. Justice Bradley, delivering the *unanimous* opinion of the Supreme Court of the United States:

Would anyone pretend that a State legislature could prohibit a foreign corporation—an English or a French transportation company, for example—from coming into its borders and landing goods and passengers at its wharves and soliciting goods and passengers for a return voyage without first obtaining a license from some State officer and filing a sworn statement as to the amount of its capital stock paid in? And why not? Evidently because the matter is not within the province of State legislation, but within that of national legislation. (Inman Steamship Co. *v.* Tinker, 94 U. S., 238.)

The prerogative, the responsibility, and the duty of providing for the security of the citizens and the people of the United States in relation to foreign corporate bodies or foreign individuals with whom they may have relations of foreign commerce, belong to the Government of the United States and not to the government of the several States; and confidence in that regard may be reposed in the National Legislature without any anxiety or apprehension arising from the fact that the subject-matter is not within the province or jurisdiction of the State legislatures.

And the same thing is exactly true with regard to interstate commerce as it is with regard to foreign commerce. No difference is perceivable between the two.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Indiana yield to the Senator from Pennsylvania?

Mr. BEVERIDGE. Certainly.

Mr. KNOX. I only want to state this for the purpose of keeping myself right and to give the Senator some information.

I had something to do with the Lottery case. The final argument was made when I was Attorney-General, and I had something to do with the preparation of the case; and the reason why I say I would be under personal obligations for a direct decision upon the proposition that the control over interstate commerce is just the same as it is over foreign commerce, is because we used every one of those cases which the Senator has cited and we worked every one of those statements for all they were worth in order to get the court to base the decision in the Lottery case upon that ground, which would have been conclusive ground, and would not have necessitated the court going elsewhere. But if the Senator will examine that decision, he will see they put it on other grounds.

Mr. BEVERIDGE. In the lottery decision, the court did expressly state that the power to *regulate* involved the power to *prohibit*, and that the power of prohibition was not only *necessarily involved*, but also had been *exercised.*

Mr. KNOX. To prohibit in that case under its peculiar facts.

Mr. BEVERIDGE. No; they cited several other instances—the transportation of alcoholic liquors, for example, or of infected cattle, *although there might be property rights* in the infected cattle.

CASE OF BROWN *v.* HUSTON ON IDENTITY OF POWER OVER FOREIGN AND INTERSTATE COMMERCE.

In Brown *v.* Houston the Supreme Court of the United States uses this language:

The power to *regulate* commerce among the several States is granted to Congress in terms *as absolute as is the power to regulate commerce with foreign nations.*

I think the Senator from Rhode Island will not be able to find, with a good deal of research, any language more clear and emphatic than that.

In the case of Stockton *v.* Baltimore, etc., Railway Company (32 Fed. Rep.), while the language is not so clear and emphatic, there are some things which ought to be quoted:

Says the court—and this judge was later one of the justices of the Supreme Court of the United States, and one of its greatest justices; I was taught, as a law student, to admire and revere him—says this great lawyer:

We think that the power of Congress *is supreme over the whole subject*—

Over interstate commerce—

unimpeded and unembarrassed by State lines or State laws; that, in this matter *the country is one*, and the work to be accomplished is *National*, and that State interests, State jealousies, and State prejudices do not require to be consulted. IN MATTERS OF FOREIGN AND INTERSTATE COMMERCE THERE ARE NO STATES.

Can human tongue frame language more emphatic than these words of the Supreme Court of the United States?

Now, I have cited from Chief Justice Marshall, in Gibbons *v.* Ogden, clear down to 141 United States, the definite, clear, direct, unconfused statement of the Supreme Court that *the power* over *foreign* and *interstate* commerce *is the same.*

Senators may explain one quotation upon the ground that it is obiter dictum.

Senators may say, in another place, the court has no business to put it in.

Senators may say that the reasoning of Chief Justice Marshall was entirely wrong. But I have nothing to do with that; that is the quarrel of the Senators with the Supreme Court.

If in the efforts of Senators to resist the power of Congress to prohibit this great National evil they want to resort to those things, they can. All that it is necessary for me to do is to cite the direct decisions of the Supreme Court upon this matter.

Without a dissenting word, in language as clear as any court ever used, they have held the power over *interstate and foreign commerce* to be *the same*. It was not necessary for me to make this point at all, after the decision in the Lottery case and the Forty-three Gallons of Whisky case.

But if—aside from the Lottery case—if the language of the Supreme Court in Cruthers *v.* Kentucky and the other cases I have cited is correct, we have already done all that I ask the Senate to do. Because in the Dingley law there is a provision which I will read. It is the same thing in the McKinley law.

I have here in my hand a list of the members of the Finance Committee of the Senate and of the Ways and Means Committee of the House, who inserted this provision, and it was inserted *without any party division.*

No lawyer found anything unconstitutional in this, although *this* clause of the tariff law does not fall at all within the *taxing power;* it is *exclusively* under the power *over foreign and interstate commerce.* The paragraph is as follows:

GOODS MADE BY CONVICTS EXCLUDED; WHY NOT GOODS MADE BY CHILDREN?

SEC. 31. That all goods, wares, articles, and merchandise manufactured wholly or in part in any foreign country by convict labor *shall not be entitled to entry* at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.

So that in our laws to-day, without a dissenting vote in either House of Congress, coming *absolutely and exclusively* under our power over *foreign commerce* and not under the *taxing power* at all, we have *prohibited* the importation of convict-made goods. Now, if all these decisions of the Supreme Court are not wrong and foolish, if what they say is true, that our power over *interstate commerce is the same as over foreign commerce*, then we have the power over interstate commerce to do what we have done over foreign Commerce.

Very well. Then we have the power to exclude from interstate commerce convict-made goods, as we have already excluded from foreign commerce convict-made goods. And if we have a right to exclude from interstate commerce goods made by *convicts*, we have a right to exclude goods made by *children* and the murder of children.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Georgia?

Mr. BEVERIDGE. I do.

Mr. BACON. Before the gentleman concludes I desire——

Mr. BEVERIDGE. I am not through yet. I would have been through long ago——

Mr. BACON. I——

Mr. BEVERIDGE. Go ahead.

Mr. BACON. I desired to interrupt the Senator before he concluded. I wish to correct a statement of fact made by the Senator in the course of his remarks, with his permission.

Mr. BEVERIDGE. Yes.

Mr. BACON. Yesterday, Mr. President—and I am now about to read from the stenographer's report of what he said and what I said—the Senator from Indiana was speaking of conditions in the State of Georgia and the number of children who were engaged in the mills in that State, and the question of the efficiency of the Georgia law regulating child labor came under discussion. I asked the Senator this question:

I should like to ask the Senator, as he seems to have exhaustively studied the question, if he is prepared to state how many children in Georgia under 12 years of age or under 14 years of age are to-day employed in the mills?

Mr. BEVERIDGE. I will answer the Senator even more directly than that. I will state that under the new law, which went into effect this very year, there had been applications for the employment of children up to last week in the county clerk's office—I believe it is in Atlanta, or whichever is the greatest city in your State—for 3,000 children, just as there were in Maryland applications since the new law went into effect there for 11,000 children, 1,200 of which were affected, although the census shows there were only 5,000 children of that age at work after the law went into effect on the first of the year, and I shall present it. There have been applications for more than 3,000.

Mr. BACON. How many of the applications have been granted?

Mr. BEVERIDGE. All were granted.

Mr. BACON. Has the Senator any evidence that they were all granted?

Mr. BEVERIDGE. Yes, sir.

Mr. President, the Senator then——

Mr. BEVERIDGE. I was mistaken about that. I presented the facts later in my speech.

Mr. BACON. Very well; I now have the facts definitely in my possession. The Senator then went on to read an extract from an article which had appeared in the Atlanta Journal.

Mr. BEVERIDGE. I prefer that the Senator would make his statement after I get through.

Mr. BACON. I will not take much of the time of the Senator; I will be through in two or three minutes.

Mr. BEVERIDGE. All right.

Mr. BACON. The Senator read an article from the Atlanta Journal to the effect, not in the way of a statement by the ordinary, who I may state is the probate judge—that is the title given to him there—that it was estimated by him that during the current year——

Mr. BEVERIDGE. I read that statement.

Mr. BACON. I hope the Senator will let me proceed. I will not take more than two or three minutes. That during the current year it was estimated there would be between two and three thousand applications.

I asked the Senator this morning if he had any further evidence of the correctness of the statement which he had made, to wit, that 3,000 applications had been made and all of them had been granted, than the evidence which he read from the Atlanta Journal, and he said he had no other.

I then telegraphed to Atlanta for the purpose of getting the facts, and it is for the purpose of reading these telegrams that I took the liberty of interrupting the Senator.

I have, first, a telegram from the Hon. Madison Bell, a member of the State legislature of Georgia, and who assisted in the framing of the State law, and here is what he says about it after having made an investigation:

BEVERIDGE entirely ignorant of provisions and effect of the child-labor law.

The Senator went on to state that there was no provision for an inspection.

Mr. BEVERIDGE. Go on and read your telegram, since you are going to read that kind of a statement. I want to get through with this speech; but go ahead.

Mr. BACON. I am very much obliged to the Senator.

Grand juries in each county have special authority to inspect, and must see that law is enforced.

Here is the particular part:

Ten permits only by Ordinary Wilkinson, of this county. Can prove that thousands of children have been freed from the mills in this State since January 1, 1907.

MADISON BELL.

For whose character in every regard I most unqualifiedly vouch.

Now, here is a telegram from the ordinary himself, who, as I stated, is probate judge in charge of this matter.

Mr. BEVERIDGE. He confirms Bell, I suppose.

Mr. BACON. It is addressed to me. It goes on to say in response to my telegram:

Assertion in Senate as to application for exception certificates under child-labor law incorrect, as only ten applications have been granted in Fulton County, and the officers of the mills and factories affected by the law are desirous of having it enforced.

JOHN R. WILKINSON,
Ordinary, Fulton County.

Mr. President, if the Senator is as wide of correctness as to the other facts he stated as he was when he stated that 3,000 applications had been made and 3,000 applications had been granted, I think it is necessary that he should supervise his evidence to some extent.

Mr. BEVERIDGE. I wish to say in answer to that that it was unnecessary for the Senator to take my time, when I am trying to get through my speech, to state that, *because I myself read, as soon as I could find it* among the mass of papers that the Senator saw upon my desk, the extract from the Atlanta Journal, from his own city, upon which my statement was made. So the correction of the statement was made *almost as soon as the error itself was made.*

Now, as to the statement of the gentleman, in the telegram, which is entirely gratuitous, that I am ignorant of the provisions of that law, neither he nor anyone else who reads that absurd statute can be ignorant of it. I state to the Senator now that every statement that I have made concerning this outrage of child labor in Georgia is supported by the affidavits of men and women who have personally investigated it.

Mr. BACON. Now, Mr. President——

Mr. BEVERIDGE. I am not going into any debate right now.

Mr. BACON. The Senator will certainly permit me to correct one thing?

Mr. BEVERIDGE. No; I will not now. I will after I get through.

Mr. BACON. When the Senator gets through he can not, because there is another order.

Mr. BEVERIDGE. It does not make any difference——

Mr. BACON. I want to call attention to the fact——

Mr. BEVERIDGE. The Senator might have made his statement to-morrow or any other time.

Mr. BACON. The Senator's statement is incorrect to the extent of the difference between three thousand and ten.

Mr. BEVERIDGE. It is not the difference between three thousand and ten.

Mr. BACON. All right.

The PRESIDING OFFICER. Senators will be in order.

Mr. BEVERIDGE. The correction was made almost as soon as the error itself was made.

Mr. BACON. The Senator *has not corrected the statement*——

Mr. BEVERIDGE. If the Senator from Georgia and the people of his State are satisfied with the law, all I have to say is that people from his State who have investigated it are not.

Mr. BACON. Mr. President——

Mr. BEVERIDGE. I refuse to yield to the Senator any further.

Mr. BACON. Whenever a State is not satisfied with the law, it is capable of amending it, and it will do it.

Mr. BEVERIDGE. I further state that two or three times—I do not know how many times, but at least once, and I will confine it to that—in the State of Georgia the effort was made to defeat any effective law, *and it was successful;* and at another time a law which might have been made effective was not properly enforced.

Mr. BACON. I challenged the Senator to embody it in his speech, and he would not permit me.

The PRESIDING OFFICER. The Senator from Indiana declines to yield.

Mr. BEVERIDGE. Now, Mr. President, *if, then, the power of Congress over foreign commerce and interstate commerce is the same*, and by virtue of the former we have *prohibited* convict-made goods, we may also *prohibit* the transportation of convict-made goods in interstate commerce. But if *convict*-made goods may be prohibited in interstate commerce, then why can we not also prohibit *child*-made goods?

CONGRESS HAS FREQUENTLY EXERCISED POWER OF PROHIBITION UNDER COMMERCE CLAUSE.

Mr. President, I have shown that under the interstate-commerce clause of the Constitution the Supreme Court has time and again held that it meant the power to *prohibit* the transportation in interstate commerce of such articles as in the judgment of Congress were inimical to the interests of the Nation. We have done that, and I propose to call the attention of the Senate to some of the statutes by which we have done it, where there was no reference to any committee of the question of its constitutionality, although it was a *prohibition* direct, plain, and undisguised.

For instance, in foreign commerce we have had our embargo laws.

We have *prohibited* the importation of slaves.

We have *prohibited* the importation of counterfeit coins.

And we have *prohibited* the importation of convict-made goods.

I am sorry the Senator from South Carolina and other Senators who have said that they are so greatly interested in amending this evil are not here. We have passed a large number of laws, many of them quite exceptional, *prohibiting* interstate commerce in certain articles.

For example, the act of August 2, 1882, *prohibits* the transportation in interstate commerce of nitroglycerin in any vessel. The question of its being an explosive has something to do with the *policy* of prohibiting it, but not with the *power* of prohibiting it, for we in the same law permit its transportation within the limits of a State.

The act of March 31, 1900, *prohibits* the transportation of explosive materials in any vessel or vehicle in interstate commerce.

The act of July 1, 1902, *prohibits* the introduction or sale by another State of dairy or food products which have been falsely labeled or branded.

Now, there is an article of commerce that had *nothing the matter with it*, so far as hurting the health of the people was concerned.

The only objection to oleomargarine was, if they colored it, although the color was entirely healthful, still it fooled the people into thinking it was butter. So we can not say it was affecting the health or the morals of the people and that therefore the *power* arose from that fact.

The *power* was exercised because it was absolute; and in the *policy* of Congress, in our wisdom, we thought it was a wise measure and beneficial to the "interests of the Nation" to exercise that power, and so we did it.

The act of February 3, 1903, *prohibits* transportation in interstate commerce of cattle without a certificate from the inspector of the Agricultural Department. And this, although a man has an absolute right to his property, and his property amounts to nothing less he can transport it; yet Congress, acting under the power of *prohibition* in the interstate commerce clause, has *prohibited* the transportation of cattle without a certificate *whether those cattle are diseased or wholesome*. So we see that the *power* does not spring from that.

Then, again, we have the act of February 21, 1905. On examining the debate I find that the senior Senator from New Jersey [Mr. KEAN], who now occupies the chair, was the Senator who had charge of passing the bill through the Senate. It *prohibits* the transportation in interstate commerce of gold and silver goods with the words "U. S. Assay" or any similar words.

And this was *solely* under the *interstate-commerce clause* of the Constitution. When the bill came in it was referred to the *Interstate Commerce Committee*. It was reported back by that committee. We had absolutely no power whatever to pass that law *except under the interstate-commerce clause of the Constitution.*

There was nothing whatever in the gold and silver goods that could hurt the morals of the people, as was the case in regard to lottery tickets. The only point was to protect some manufacturers of New Jersey and New York who did not want the words "United States Assay" put upon anything, and because those words had been put upon some importations that were then sent through interstate commerce.

But if we have the power to *prohibit* the transportation of gold and silver goods with the words "U. S. assay" upon them, *which do not hurt the physical condition or morals of the people any place*, and passed a law merely to protect the manufacturers of New York, have we not a right to *prohibit* the transportation of child-made goods from one State to the other, so far as the *power* is concerned?

What have Senators who are troubled about the question of power to say about that law? Nobody questions it.

Again, the act of March 3, 1905, *prohibits* the transportation of loose hay and other highly combustible materials on passenger steamers. That is *exclusively* under the *interstate-commerce clause of the Constitution* and not under any other provision of the Constitution whatever.

If as a matter of *power* we can *prohibit* the transportation of loose hay, the only reason for it being a matter of *policy*—it might get afire—why as a matter of *power* can we not *prohibit* the transportation of child-made goods? Does it not subserve the "interests of the Nation," as Chief Justice Marshall says, and is not more involved in the ruin of our citizenship than in the possible burning of a steamer or the possible affecting of the business of some watch factories in New Jersey and New York?

The act of February 21, 1905, *prohibits* the transportation by carriers of interstate commerce of obscene books, and this although the Constitution *expressly guarantees "freedom of speech;"* and it has been held that printing is as much "speech" as spoken words by the tongue.

Yet, although the Constitution absolutely guarantees "freedom of speech," nevertheless we have *prohibited*, in spite of that guaranty, the transportation by the channels of interstate commerce of obscene literature, when that is held by the courts to be "speech" as much as anyhing else. We did that under the *interstate-commerce clause* as a matter of *power* and because it subserved the "interests of the Nation," as Marshall says, as a matter of *policy*.

The act of March 3, 1905, *prohibits* the transportation in interstate commerce of quarantined cattle, this quarantine being established by the Agricultural Department within the United States. And this, mind you, although the cattle *might* be sound and their transportation and sale "a *matter of right*," to use the language of the Supreme Court of the United States in the Lottery case.

The act of March 3, 1905—and I call the attention of the junior Senator from South Carolina [Mr. LATIMER] to this act—*prohibits* the transportation by carriers of interstate commerce of *insects* of a certain kind.

THESE LAWS PROHIBITING INTERSTATE COMMERCE PASSED WITHOUT QUESTION.

I have the debates on all these laws here. I looked them up very carefully. I wondered why it was that, when we proposed to *prohibit* the transportation by interstate carriers of the boll weevil, nobody raised a constitutional question. The senior Senator from Texas [Mr. CULBERSON] was present, I find. The Senator from Georgia [Mr. BACON] was present, I find. The junior Senator from South Carolina [Mr. LATIMER] had the bill

in charge. The senior Senator from Texas did not know whether he was going to object or not, but he never stated any constitutional objection to it.

And, ah, yes! the Senator from Wisconsin [Mr. SPOONER], who tells us he is so "troubled" about the "extension of national power;" that he is so concerned about how far we are going to go in including articles in interstate transportation—the senior Senator from Wisconsin—was present. Yet *nobody* made any objection whatever to the passage of that bill, which is now a law, and the *constitutionality of which has never been questioned*. It absolutely *prohibits* the transportation of certain *insects* by interstate commerce.

What does the Senator from Rhode Island [Mr. ALDRICH], who says that the commerce clause of the Constitution means only to "regulate," and not to *prohibit;* what does the Senator from Wisconsin, who gets so excited and says that it is a serious thing to say that the word *prohibit* should be read into the word *regulate*—what do those Senators say about that statute?

Mr. President, if we have not the power, the act which you (Mr. KEAN in the chair) got through the Senate and which you were in charge of and the acts which other Senators presented in the Senate and which were voted upon *without objection*, are all unconstitutional. Are Senators willing to say that?

If we have the power to *prohibit* the transportation in interstate commerce of cattle *without a certificate, well or ill;* if we have the power to *prohibit* the transportation of certain *insects;* if we have the power to *prohibit* the transportation of loose *hay* in vessels; if we have the power to *prohibit* the transportation of gold and silver goods merely because they have two words on them, and all *under the interstate-commerce clause;* if we have the power to *prohibit* convict-made goods, why have we not the power to *prohibit* the transportation in interstate commerce of child-labor-made goods?

So far as the question of *power* is concerned, in none of these cases that I have shown did the *power* come, *in a single instance*, from the evil of the article prohibited. As a matter of *policy* we enacted those laws because they were good for the "interests of the Nation." But if it is good for the "interests of the Nation" to *prohibit* the transportation of *insects* from State to State; if it is good for the "interests of the Nation" to *prohibit* the importation of convict-made goods; if the *power* over *interstate* commerce equals the power over *foreign* commerce, as the Supreme Court has said, unless it is overruled by a subcommittee of the Senate; if we have the *power* to *prohibit* convict-made goods in interstate commerce, as we have; if we have actually *prohibited* the transportation of gold and silver merely because they had two words which inconvenienced the business of certain men in New York and New Jersey, all upon the theory that it affected the "interests of the Nation," to again use Chief Justice Marshall's famous phrase, how much more have we got the *power* to *prohibit* the transportation in interstate commerce of child-made goods which affect the "interests of the Nation," aye, and the perpetuity of the Nation?

Gentlemen grow excited about refinements. I ask them to explain the laws *that are on the statute books. Why* did we never hear before of any "danger of the extension of the Federal power" when you were enacting those statutes? Why is it that only when we attempt to stop the murder of children and the debasement of our race and the ruin of our citizens by *prohibiting* the transportation of child-made goods in interstate commerce that Senators are aroused in defense of an artificial liberty?

THE ABUSE OF POWER ARGUMENT.

Now, Mr. President, every question that has been put to me this afternoon has that one argument as its basis, and that one that it so old and familiar that hardly any lawyer needs to look up any authorities upon it. The Senator from Wisconsin says:

"Well, if you can do this, can you not also compel all the people of the United States to join the labor union?"

And the Senator from California says:

"Well, if you can do this, can you not also pass a law prohibiting the transportation in interstate commerce of the labor of men and women over 50?"

Another man says: "If you can do this, can you not also prohibit the transportation in interstate commerce of milk from a bay cow milked by a redheaded girl?" and all the rest of these things.

In short, if you admit the existence of the *power* at all, where, says the Senator from Wisconsin, will its exercise *end?* Well, Mr. President, that very question was taken up, and taken up early in our judicial history, and answered. I am not going to take up very much time on it, it is so old and so familiar.

When it was first taken up this whole thing was foreseen. Undoubtedly the greatest man that we ever had on the Supreme Bench of the United States was Chief Justice Marshall. George Washington thought him so. He anticipated all these questions, because these same arguments were made to him.

The Senator from Wisconsin need not think he is stating any new things. The questions which the Senator from North Carolina says loom up like some shadows of doom, or something like that, for we are used to such rhetoric—the question which the Senator from California asks—all these methods of reasoning are not new.

You have not discovered any *new* "specter" in any argument against the existence of *power* on account of its possible *abuse*. The resourceful lawyer of long ago anticipated you. All those things were heard from before the foundation of the Government, and answered in the very earliest decisions of the Supreme Court. After holding that the *abuse* of the power was no argument against its *existence*, the Supreme Court, through Mr. Justice Marshall, proceeds to tell us where the safety lies; he proceeds to tell us where the *restraint* is; he proceeds to tell us "where we are going to end," and it is the plain answer that might occur to anyone. But, of course, we could not expect it to occur or even be remembered by lawyers who dispute the correctness of the decisions of the Supreme Court of the United States.

Here is how Chief Justice Marshall, delivering the unanimous opinion of the Supreme Court of the United States, disposed of this "grave objection" which so "troubles" some Senators:

> The wisdom and the discretion of Congress, their identity with the people, *and the influence which their constituents possess at elections*, are, in this, as in many other instances, as that, for example, of declaring war, *the sole restraints* on which they have relied to secure them from *its abuse*. They are the restraints on which the people must often rely *solely* in all representative governments. (Gibbons *v.* Ogden, 9 Wheat., p. 197.)

There is the answer to the argument that the *abuse* of power is an argument against its *existence*. The remedy for all of our excesses of power is in the hands of our constituents at the ballot box, says the Supreme Court of the United States, through the inspired lips of Chief Justice Marshall.

Nor is that the only case. In Gilman *v.* Philadelphia it is said by the Supreme Court of the United States:

> If it be objected that the conclusion we have reached will arm the States with authority potent for evil, and liable to be *abused*, there are several answers worthy of consideration. The possible *abuse* of *any* power is no proof that it does not *exist*.

I hope Senators will listen to that.

> Many *abuses* may arise in the legislation of the States which are wholly beyond the reach of the government of the Nation. The safeguard and remedy are to be found in the virtue and intelligence of the *people*. They can make and unmake constitutions and laws, and from that tribunal there is no appeal. If a State exercise unwisely the power here in question, the evil consequences will fall chiefly upon her own citizens. They have more at stake than the citizens of any other State. (Gilman *v.* Philadelphia, 3 Wallace, 731.)

And again:

> All power—

Says the Supreme Court in Brown *v.* The State of Maryland, which is one of the dozen great decisions of the Supreme Court—

> All power may be *abused*, and if the fear of its *abuse* is to constitute an argument against its *existence*, it might be urged against the *existence* of that which is universally acknowledged and which is *indispensable* to the general safety. (Brown *v.* State of Md., 12 Wheat., p. 265.)

Now, here is the last utterance of the Supreme Court upon this subject. I do hope I will have the attention of the Senate because the whole argument against this bill is this:

"If we can do this, what else can we not do?"

I am sorry the Senate does not seem to want to hear the extent of our power, as decided by the Supreme Court of the United States. We passed the bill to *prohibit* interstate commerce in *insects* and gold and silver goods, and nobody ever imagined we had not the *power*. Why are we so impatient, when it comes to ending the murder of children, to hear the extent of our power, as defined by the Nation's supreme tribunal?

Says the Supreme Court in the famous "Lottery case:"

> But, as often said, the *possible abuse* of a power is not an argument against its *existence*. There is probably *no governmental power* that may not be exerted to the *injury of the public*. If what is done by Congress is manifestly in excess of the powers granted to it, then upon the courts will rest the duty of adjudging that its action is neither legal nor binding upon the people. But if what Congress does is within the limits of its power, and is simply *unwise or injurious*, the remedy is that suggested by Chief Justice Marshall in Gibbons *v.* Ogden, when he said—

What I have already read.

So, Mr. President, there is the complete answer, not in one quotation from the Supreme Court, but by many, the argument, and the *only* argument that we have heard here or will ever hear against the existence of this power, to wit: That "if we admit that we have the power to do this then we have the

power to do a great many foolish things;" and the possible *abuse* of a power is no argument against its *existence*.

EXAMPLES OF ABUSE OF POWER ARGUMENT REDUCTIO AD ABSURDUM.

Mr. President, if that were the case where would we be? For example, you might say that because we have the power to require interstate carriers to keep books in a certain way—which we have done—therefore we have power to require their servants to wear a certain kind of uniform; and, so, that the power to require them to keep books in a certain way does not exist merely because if it does exist the *power* to do the other foolish thing would exist. But that is absurd. We have the *power*, but it would be an absurd thing to do it, and we would not do it; and if we should do it the remedy is in the hands of the people at the ballot box, and they would put us out of office.

You might as well say that you have no power to require interstate carriers to use the block signals, *because*, if we have power to require them to use the block signals we would also have the power to require them to station a man with a red lantern at every hundred feet. But that would be absurd. We have the *power*, but we would not pass a law requiring them to station men at every hundred feet with red lanterns because it would be absurd, and if we did such a thing as that the people would put us out of office.

And yet that is the argument used against this bill. The argument that is used against this bill can exclude, by the process of reductio ad absurdum, the power to require us to compel interstate carriers to use the block signals, because if we admit we have that power then we might require them to place a man with a red lantern every hundred feet.

Mr. President, if we have the power to require automatic couplings—and we have actually exercised that power—we also have the *power* to require all the railroads to use electric engines, which is absurd. Therefore, according to the argument of the Senator from Wisconsin, we have no such power to require them to use automatic couplings, because if we admit that power we must admit that it might be exercised unwisely. "Where is the limit?" asks the Senator from Wisconsin. The limit is in our common sense and *in our responsibility to our constituents*. If we do exercise our power unwisely the remedy is in the hands of the American people at the ballot box.

WHY ARE WE SO FEARFUL OF OURSELVES?

Why is it that gentlemen are afraid of what we here may do? Are we a conspiracy against the people of the United States? And if we are, have the people of the United States no control over their Government themselves? Why are we afraid of ourselves? Do we not come from and represent the people and are we not answerable to them solely? If not, whom do we come from and to whom are we answerable?

The Senator from Wisconsin made the proper answer to the Senator from Texas to the absurd question that he asked me when he said it is "an impossible question; it is not to be believed that Congress will ever pass such laws," said the Senator from Wisconsin. That is what he said in the debate on the oleomargarine bill, which benefited the dairymen of Wisconsin. And yet he asks the same question now that he answered then, although this law benefits the Nation and all humanity.

Now, Mr. President, because I want to conclude, I am going merely to hold up and refer first to three laws that we passed last year—first, the meat law, which actually goes into the factories of a State and *requires National* inspection and *prohibits* the transportation of meats that are not inspected. It does not *prohibit* the transportation of *diseased* meats alone, mind you. That is not the power. It *prohibits* the transportation of all meat, *wholesome* or unwholesome, that is *uninspected*. If the meat is *wholesome* but *uninspected* and *injures nobody at either end of the line*, still it is *prohibited*.

So the *power* does not spring out of the *nature of the commerce*. Is any member of the subcommittee of the Judiciary Committee of the United States Senate—one of whom has overruled the Supreme Court this afternoon—proposing to question the validity of the meat law?

Why were not these laws I have cited, which *prohibit* interstate commerce in certain things, referred to the Judiciary Committee as to their constitutionality? The meat bill is far more questionable in its constitutionality than the child-labor bill.

Here is the railroad-rate law, Mr. President. It is positively packed with illustrations about the absurdity of the argument of the *abuse of power*. For example, it says here that the Commission may, upon any notice it pleases, do so-and-so. Well, if upon any notice, then upon one hour, or one second, or the fraction of a second; and, therefore, I suppose the *power* does not exist. But it is not to be supposed that the Interstate Commerce Commission is going to do a foolish and unreasonable thing. That is the answer to that. But if they—the Interstate Commerce Commission—are not supposed to act foolishly and unreasonably, are we supposed to act foolishly and unreasonably—we, the Senate of the United States? Yet the Senators seem to fear that we will, although they are sure the Interstate Commerce Commission will not, because we have armed that body with *power* to act very foolishly indeed.

So, Mr. President, it is not a question of *power*. The *power* we have. It has been so held by decision after decision of the Supreme Court of the United States, which the Senator from Wisconsin [Mr. SPOONER] this afternoon could only avoid by saying that one decision of the United States Supreme Court is wrong. It has been exercised by ourselves in over a dozen cases by express statute, directly and emphatically *prohibiting* the transportation in interstate commerce of any articles that Congress thought it was wise to *prohibit*.

So the *power* exists. It is a question of *policy*. But, Mr. President, all the time taken by me has been wasted if I have not demonstrated to the Senate that if we had the power it is not only good *policy*, but it is a matter of *duty* for us to pass the law which will end this infamy, which is existing in this country as greatly to-day as it did in England one hundred and ten or one hundred and fifteen years ago.

I find no difficulty, having gone through these debates—having gone through these decisions. Senators seem to think that the words "delegated power" and "constitutional government" are some mysterious means by which the progress of the people and the safety of the people are impeded. It is a curious thing to me that in not one of these instances was the constitutionality of any statute raised *where no business interests were affected by it*.

It is a curious thing to me that every constitutional fight that has been made in the Supreme Court has *always* been made against laws prohibiting something in interstate commerce *only* when some business interest *was* affected by it.

Mr. President, all the subjects we have before us are important, but not one of them is a fraction as important as the suppression of this great evil, which involves the crime of murder, and which involves the degeneracy of American citizens by not only thousands, but by the hundred thousand. I do not think of any difficulty in prohibiting and relieving it by this method.

PURPOSE OF FREE INSTITUTIONS.

Why, Mr. President, when I think about these things I sometimes wonder what is the purpose of these "free institutions" about which we talk so much. Why was it that this Republic was established? What does the flag stand for?

Mr. President, what do all these things mean? They mean that the people shall be free to correct human abuses.

They mean that men and women and children shall day by day grow stronger and nobler.

They mean that we shall have the power to make this America of ours each day a lovelier place to live in.

They mean the realities of liberty, and not the academics of theory.

They mean the *actual* progress of the race in the tangible items of real existence, and not the theoretics of disputation.

If they do not mean these things, Mr. President, then our institutions, this Republic, our flag, have no meaning and no reason for existence.

Mr. President, to see this Republic of free and equal men and women grow increasingly, with each day and year, as the mightiest power for righteousness in the world has been, and is, and always will be, I pray God, the passion of my life—a Nation of strong, pure human beings; a Nation of wholesome homes, true to the holiest ideals of man; a Nation whose power is glorified by its justice, and whose justice is the conscience of scores of millions of free, strong, brave people.

It is to make this people such a Nation that all our wars have been fought, all our heroes have died, all our permanent laws have been written, all our statesmen have planned, and our people themselves have striven.

It was to make such a Nation as this that the old Articles of Confederation were thrown away and the Constitution of the United States, about which we debate so much, was adopted.

Mr. President, it is to make this Nation still surer of this holy destiny that I have presented this bill to stop the murder of American children and the ruin of future American citizens. [Applause in the galleries.]

During the delivery of Mr. BEVERIDGE'S speech,

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 7709) to revise, codify, and amend the penal laws of the United States.

Mr. FULTON. When I called up this bill the other day and it was placed before the Senate, I doubted somewhat whether we would be able to give it consideration at the present session, but I hoped we might be able to do so. I have now become satisfied that it will not be possible to give it that consideration which the importance of the measure requires, and, so far as I am concerned, I am not willing to hold it here in a position where it interferes with other business when there is no reasonable chance for its consideration. I have therefore concluded to ask that it may go to the Calendar.

Mr. PERKINS. Under Rule IX?

Mr. FULTON. Under Rule IX.

The VICE-PRESIDENT. At the request of the Senator from Oregon the bill will go to the Calendar under Rule IX.

At the conclusion of Mr. BEVERIDGE's speech,

Mr. CARTER. Mr. President, on yesterday afternoon a unanimous-consent agreement was reached, which I regret to say has turned out to be somewhat in conflict with the previous arrangement of the Senator from Maine [Mr. HALE]. In view of the conflict, which unhappily sprung up between that unanimous-consent agreement and the desires of the Senator from Maine, I will for this evening waive the privilege accorded to me by unanimous consent, to the end that the appropriation bill in charge of the Senator from Maine may be proceeded with.

At this time I beg to announce that, if the convenience of the Senate will permit, I shall submit some observations immediately after the closing of the morning business to-morrow.

Mr. HALE. Mr. President, I did not, of course, propose to interfere with the Senator from Montana [Mr. CARTER], but on account of what he has said, I now ask that the diplomatic appropriation bill be laid before the Senate.

Mr. CARMACK. Mr. President, I simply wish to say that, if it be entirely agreeable to the convenience of the Senate, I shall to-morrow, after the Senator from Montana [Mr. CARTER] has concluded, submit a few remarks upon the subject which has been discussed this evening by the Senator from Indiana [Mr. BEVERIDGE].

Mr. GALLINGER. Mr. President, I simply wish to suggest to both the Senator from Montana [Mr. CARTER] and the Senator from Tennessee [Mr. CARMACK] that there is a bill on the Calendar, which was reported on June 18, 1906, which is a very important matter, and that I have given notice two or three different times that I would ask consideration for it. My last notice was that I should ask to have the bill taken up to-morrow. I presume, however, we can adjust the matter between ourselves.

Mr. CARMACK. I shall not seek to interfere with that bill or with anything else of importance.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I now move that the Senate proceed to the consideration of the diplomatic and consular appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 24538) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1908; which had been reported from the Committee on Appropriations, with amendments.

Mr. HALE. Mr. President, I ask unanimous consent that the first formal reading of the bill be dispensed with, that the bill be read for amendment, and that the amendments of the Committee on Appropriations may be first acted upon.

The VICE-PRESIDENT. In the absence of objection, that course will be pursued.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, in schedule A, under the subhead, "Salaries of ambassadors and ministers," on page 3, line 1, after the words "consul-general to," to strike out "the Dominican Republic" and insert "Santo Domingo;" so as to make the clause read:

> Minister resident and consul-general to Santo Domingo, $10,000.

Mr. BACON. I should like to ask the Senator from Maine if the item just read, fixing the salary of the minister resident and consul-general to Santo Domingo at $10,000, comes from the other House? I also ask him whether or not that is a change in existing law?

Mr. HALE. The House of Representatives has put up all of these salaries, which heretofore have been $7,500, to $10,000.

Mr. KEAN. Yes; all of them.

Mr. HALE. That has been done in all these cases, and the committee of the Senate accepted the action of the House.

Mr. BACON. I simply asked for information. The proposition, then, is not to merely increase the salary in this particular case?

Mr. HALE. No; to increase it in all of these instances.

Mr. BACON. Very well.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 3, line 12, after the word "dollars," to insert the following proviso:

> *Provided*, That the provision in the diplomatic and consular appropriation act, approved March 1, 1893, that "whenever the President shall be advised that any foreign government is represented, or is about to be represented, in the United States by an ambassador, envoy extraordinary, minister plenipotentiary, minister resident, special envoy, or chargé d'affaires, he is authorized, in his discretion, to direct that the representative of the United States to such government shall bear the same designation," is hereby repealed.

The amendment was agreed to.

The next amendment was, under the subhead "Salaries of secretaries of embassies and legations," on page 4, line 9, after the word "Portugal," to strike out "the Dominican Republic" and insert "Santo Domingo;" so as to make the clause read:

> Secretaries of legation to Bolivia, Chile, Colombia, Cuba, Denmark, Guatemala, Honduras and Salvador, Liberia, Morocco, Norway, Panama, Peru, Portugal, Santo Domingo, Spain, Sweden, Switzerland, and Venezuela, at $2,000 each, $36,000.

The amendment was agreed to.

The reading of the bill was continued to the end of the clause in relation to the salaries and necessary expenses of the judge and district attorney of the United States court for China, on page 17, line 12.

Mr. BACON. Mr. President, I should like to ask the Senator from Maine whether the clause that provides for the expenses of the judge of the United States court for China is guarded in the same way that the Appropriations Committee, I think, subsequent to the impeachment trial of Judge Swayne guarded appropriations for similar expenses when made by judges of the courts in the United States? If I am not mistaken, this is the language of the old clause as it existed prior to the trial of Judge Swayne, and I think after that trial the Appropriations Committee, in drafting appropriation bills, put in some language intended more rigidly to restrict judges in the payment for expenses to their actual expenses. The Senator will remember that on the trial of the Swayne case there was considerable contention upon the question whether or not this language did not justify what had grown up to be the practice of judges to put in bills for $10 a day, regardless of what their actual expenses may have been.

Mr. HALE. Suppose we put in the word "actual?"

Mr. BACON. I have forgotten what the language was; but the Senator from Maine or some other member of the Committee on Appropriations was instrumental in having the language changed.

Mr. LODGE. The word "actual," instead of "necessary," would cover it.

Mr. HALE. That would leave it so that the conferees, if they wanted to put in any additional words, could do so.

Mr. BACON. So that they can refer to the language of the act as it was phrased in the appropriation bill subsequent to the impeachment trial.

Mr. LODGE. To cover the matter I move, on page 17, line 8, before the word "expenses," to strike out "necessary" and insert "actual."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 17, line 8, before the word "expenses," it is proposed to strike out "necessary" and insert "actual;" so as to make the clause read:

> The judge of the said court and the district attorney shall, when the sessions of the court are held at other cities than Shanghai, receive in addition to their salaries their actual expenses during such sessions, not to exceed $10 per day for the judge and $5 per day for the district attorney, and so much as may be necessary during the fiscal year ending June 30, 1908, is hereby appropriated.

Mr. HALE. I think that is an improvement.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of the following clause:

> For the more effective demarcation and mapping of the boundary line between the United States and the Dominion of Canada, as established under existing treaties, to be expended under the direction of the Secretary of State, and to be immediately available and continue available until expended, $20,000, or so much thereof as may be necessary.

Mr. HOPKINS. I should like to inquire of the Senator in charge of the bill as to the necessity of putting in the provision appropriating $20,000 in relation to the boundary line between Canada and the United States.

Mr. HALE. The necessity for it is submitted by the State Department. They are engaged in that work, as the Senator knows, all the time, and we are spending so much money to perfect certain points in the line of boundary. I do not know the details. The boundaries are settled, but there are points to be established.

Mr. BACON. I am sorry I can not hear the Senator, as I want to ask a question about the matter myself.

Mr. HALE. I was saying that the Department thinks so much money is needed to establish certain points in the boundary that was fixed, so far as the treaty goes, by the international conference. The appropriation is only to locate these points upon the map.

Mr. BACON. Now, if the Senator will pardon me, I desire to ask attention to the provision on page 15——

Mr. HOPKINS. If the Senator will allow me to conclude——

Mr. BACON. I beg the Senator's pardon.

Mr. HOPKINS. Does this have reference to the International Commission that has made a report?

Mr. LODGE. Mr. President, the boundary between Canada and the United States has been established by various treaties—the Ashburton treaty and other treaties—and this is simply for the preservation and marking of the existing boundary lines. It has nothing whatever to do with the Niagara question.

Mr. HOPKINS. The thought struck me, Why should it happen to come up at this particular time? I understand, of course, as every other Senator does, that we have treaty arrangements with Great Britain with reference to the boundary line there.

Mr. LODGE. The lines are all settled.

Mr. HOPKINS. That is what I supposed, and hence I did not see any necessity for making this appropriation.

Mr. LODGE. This is necessary where points and marks have been destroyed or moved. It is simply to perfect the marking of the line and preserve the line. That is all, as I understand.

Mr. HALE. To put the marks on the face of the earth, so that maps may be made.

Mr. BACON. I understand that the appropriation beginning in line 4 on page 15 is for surveys, and the item under discussion is for the mapping and marking of the surveys already made. Am I correct in that? Is there a difference between the two? The two provisions would appear on first glance to relate to the same thing.

Mr. GALLINGER. The one on page 15 refers to the Alaskan boundary.

Mr. HOPKINS. That does not have any relation to the item on page 17, does it?

Mr. HALE. No; it is another matter entirely.

Mr. BACON. Mr. President, the language on page 15 is:

To enable the Secretary of State to mark the boundary and make the surveys incidental thereto between the Territory of Alaska and the Dominion of Canada, etc.

The differentiation, I suppose, is between Alaska and the United States. Is that intended?

Mr. LODGE. Mr. President, under the Alaskan boundary tribunal certain points were agreed upon running through a great stretch of country—certain mountain peaks stretching hundreds of miles. The line had to be laid out by surveyors, the peaks being given. That has been in process for the last three years, and it is not yet completed. Our Coast Survey and the surveyor-general of Canada are running that line together and marking it as they go. The Canadian line, to which the Senator from Illinois [Mr. HOPKINS] referred, is a perfectly established line, and I understand it is only to mark that so that it can be mapped.

Mr. NELSON. From the Portland Canal to the one hundred and forty-first meridian west longitude.

Mr. HALE. It is to make practical and visible the result of the work of the Commission.

Mr. BACON. Of previous surveys?

Mr. HALE. Yes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in Schedule C, under the subhead "Allowance for clerk hire at United States consulates," on page 19, after line 8, to strike out:

Allowance for clerk hire at consulates, to be expended under the direction of the Secretary of State, $241,890: *Provided*, That the total sum expended in one year shall not exceed the amount appropriated.

And in lieu thereof to insert:

For allowance for clerk hire at consulates as follows:
London, $4,500.
Paris, $4,000.
Habana and Liverpool, $3,000 each, $6,000.
Mexico City, Rio de Janeiro, and Shanghai, at $2,500 each, $7,500.
Hongkong and Yokohama, at $2,200 each, $4,400.
Berlin, Bordeaux, Bradford, Canton, Cape Town, Manchester, and Seoul, at $1,800 each, $12,600.
Southampton, $1,750.
Antwerp, Bahia, Brussels, Hamburg, Kobé, Lyons, Monterey, Montreal, Ottawa, Para, Pernambuco, Rotterdam, and Santos, at $1,500 each, $19,500.
Barmen, Birmingham, Bremen, Chemnitz, Coburg, Colon, Crefeld, Dawson, Frankfort, Havre, Marseilles, Panama, and Vienna, at $1,200 each, $15,600.
Belfast, Calcutta, Cairo, Dresden, Glasgow, Guayaquil, Naples, Nottingham, Nuremburg, Plauen, Pretoria, Reichenberg, St. Gall, Sheffield, Singapore, Sydney (New South Wales), Toronto, and Vera Cruz, at $1,000 each, $18,000.
Annaberg, Beirut, Buenos Ayres, Burslem, Dundee, Edinburgh, Genoa, Kingston (Jamaica), Leipsic, Mainz, Mannheim, Maracaibo, Melbourne, Messina, Newcastle-on-Tyne, Palermo, Port au Prince, Prague, Rome, Santiago de Cuba, Smyrna, Stockholm, Tangier, Vancouver, and Victoria, at $800 each, $20,000.
Aix la Chapelle, Chihauhua, Ciudad Juarez, Ciudad Porfirio Diaz, Halifax, and Lucerne, at $640 each, $3,840.
Cologne, Constantinople, Cork, Florence, Huddersfield, Liege, Munich, Odessa, Tampico, Zittau, and Zurich, at $600 each, $6,600;
Cienfuegos and Kehl, at $500 each, $1,000;
Berne, Georgetown (Guiana), Malaga, and Stuttgart, at $480 each, $1,920;
Total, clerk hire, $127,210.
Allowance for clerks at consulates, to be expended under the direction of the Secretary of State at consulates not herein provided for in respect to clerk hire, no greater portion of this sum than $1,000 to be allowed to any one consulate in any one fiscal year, $114,680: *Provided*, That the total sum expended in one year shall not exceed the amount appropriated.

Mr. HALE. I move to amend the amendment of the committee, on page 20, line 16, after the word "Burslem," by inserting the word "Christiania."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 20, line 16, after the word "Burslem," it is proposed to insert "Christiania."

The amendment to the amendment was agreed to.

Mr. NELSON. I suggest a further amendment to the amendment, in line 21, after the word "thousand," to insert the words "eight hundred."

The amendment to the amendment was agreed to.

Mr. CLAY. Mr. President, if I understand the Senator—and I think I do—the amendment simply takes the total sum appropriated by the House, on page 19, lines 9, 10, 11, 12, and 13, and specifies how it is to be appropriated.

Mr. HALE. Just as we always have heretofore.

Mr. CLAY. That is what I thought.

Mr. GALLINGER. The total in line 9, of the amendment of the committee, page 21, should be changed to correspond to the amendment already made. I move to strike out the words "one hundred and twenty-seven thousand two hundred and ten dollars" and insert "one hundred and twenty-eight thousand and ten dollars."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was completed.

Mr. LODGE. I move to strike out, on page 19, lines 3, 4, 5, and 6, and to insert in lieu thereof what I send to the desk.

The VICE-PRESIDENT. The Senator from Massachusetts proposes an amendment, which will be stated.

The SECRETARY. On page 19 it is proposed to strike out:

Ten consular clerks, at $1,200 each, $12,000; and three consular clerks, at $1,000 each, $3,000; total, $15,000.

And insert in lieu thereof the following:

From and after the 1st day of July, 1907, the salaries of consular clerks shall be at the rate of $1,000 a year for the first three years of continuous service as such, and shall be increased $200 a year for each succeeding year of continuous service until a maximum compensation of $1,800 a year shall be reached, and section 1704, Revised Statutes, and its amendatory act of June 11, 1874, are hereby so amended.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REPORT OF POSTAL COMMISSION.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring), That there be printed 6,000 copies of the report of the Postal Commission appointed under the provisions of the act making appropriation for the service of the Post-Office Department, approved June 26, 1906, being House Document No. —, Fifty-ninth Congress, second session, to be accompanied by the testimony taken by the said Commission, together with the accompanying exhibits and digest, 2,000 copies for the use of the Senate and 4,000 copies for the use of the House of Representatives.

Mr. PENROSE. I ask that the resolution may be considered.

The resolution was considered by unanimous consent, and agreed to.

GOVERNMENT HOSPITAL FOR THE INSANE, ETC.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4267) to prohibit the sale of intoxicating liquors near the Government Hospital for the Insane and the District almshouse, which were, in line 5, to strike out "District almshouse" and insert

"Home for the Aged and Infirm," and to amend the title so as to read: "A bill to prohibit the sale of intoxicating liquors near the Government Hospital for the Insane and the Home for the Aged and Infirm."

Mr. GALLINGER. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

PRACTICE OF VETERINARY MEDICINE IN THE DISTRICT.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5698) to regulate the practice of veterinary medicine in the District of Columbia, which were, on page 8, line 8, to strike out all after the word "agency," down to and including "purposes," in line 10; and on page 8, line 13, after the word "indirectly," to insert:

Provided, That any person may without compensation apply any medicine or remedy and perform any operation for the treatment, relief, or cure of any sick, diseased, or injured animal.

Mr. GALLINGER. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

WASHINGTON MARKET COMPANY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6470) in relation to the Washington Market Company, which was, to strike out all after the enacting clause and insert:

That the Washington Market Company be, and it is hereby, authorized to procure, by purchase or lease, all or part of square No. 328, in the city of Washington, and thereon conduct a cold-storage business and manufacture ice for use in Center Market and for sale: *Provided*, That nothing in this act shall be held to limit or affect in any way any of the provisions of an act to incorporate the Washington Market Company, approved May 20, 1870.

SEC. 2. That the right to alter, amend, or repeal this act, without any liability therefor, is hereby expressly reserved.

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

SERVICE ON FOREIGN CORPORATIONS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 7170) to amend an act relating to service on foreign corporations, approved June 30, 1902, entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,'" which was, on page 1, to strike out all of line 3, down to and including line 6, and insert:

That the second paragraph of section 1537 of the Code of Law for the District of Columbia be, and the same is hereby, amended so that it shall.

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. I move that the Senate proceed to the consideration of the bill (H. R. 23821) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. PERKINS. I ask that the first formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

The VICE-PRESIDENT. Without objection, that course will be pursued.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the subhead "Fortifications and other works of defense," on page 2, line 9, to increase the appropriation for construction of fire-control stations and accessories, including purchase of lands and rights of way, and for the purchase, installation, operation, and maintenance of necessary lines and means of electrical communication connected with the use of coast artillery, etc., from $700,000 to $1,200,000.

The amendment was agreed to.

The next amendment was, on page 2, line 15, to increase the appropriation for the protection, preservation, and repair of fortifications for which there may be no special appropriation available from $200,000 to $300,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 15, to insert:

Toward the construction of about 4,800 linear feet of wall necessary for the protection of Fort Moultrie, Sullivans Island, North Carolina, from the effects of storms (to cost not to exceed $225,600), $112,800.

The amendment was agreed to.

The next amendment was, on page 2, after line 21, to insert:

Toward the building of sea walls for the protection of the sites of the fortifications and of the necessary post buildings at Forts Pickens and McRee, Pensacola Harbor, Florida (to cost not to exceed $907,100), $453,550.

The amendment was agreed to.

The next amendment was, on page 3, after line 2, to insert:

Toward the repair and restoration of batteries and other structures appurtenant to the defenses of Pensacola and for retaining walls to protect the batteries from floods (to cost not to exceed $109,355), $54,678.

The amendment was agreed to.

The next amendment was, on page 3, after line 8, to insert:

Toward the repair and restoration of batteries and other structures appurtenant to the defenses of Mobile, Ala., and for rebuilding sea walls and groins for protection of the sites of the fortifications and of the garrison posts (to cost not to exceed $1,089,500), $544,750.

The amendment was agreed to.

The next amendment was, on page 3, after line 15, to insert:

For rebuilding and strengthening the levees for protection of the site of the defenses and the garrison post at Fort St. Philip, New Orleans, La., $139,800.

The amendment was agreed to.

The next amendment was, under the subhead "Armament of fortifications," on page 6, after line 14, to insert:

For replacing and overhauling ammunition, and for replacing or repairing instruments for fire control, tools, and other ordnance property destroyed or damaged by the storm of September 26–28, 1906, at Forts Pickens and McRee, Fla.; Forts Morgan and Gaines, Ala.; and Fort St. Philip, La., $30,878.

The amendment was agreed to.

Mr. CLAY. I wish to call the attention of the Senator in charge of the bill to these amendments which have just been agreed to. My understanding was that the total sums were to be appropriated and only 50 per cent to be made available this year, but it appears from the amendments, in the way they are drawn, that only 50 per cent is appropriated, and the simple statement is made that the entire cost is not to exceed the sums stated.

Mr. PERKINS. I will say to my friend the Senator from Georgia that the estimates came to us from the Secretary of War to make good the damage caused by the hurricane which recently visited the Southern States. We have stated the full amount of the cost, but have made available for this year only 50 per cent of the amount estimated by the Department, which, your committee have been informed, is all that can be advantageously expended during the coming fiscal year.

I will say to the Senator from Georgia that I think we are in full accord with his views.

Mr. CLAY. I understand the Senator from California and the Senator from Maine [Mr. HALE] to state that this is the usual way in which these items are drawn; that this simply means that we appropriate one-half the money at this session of Congress, and then another sum equal to it will be appropriated at the next session, provided the total cost shall not exceed the amount set forth in the bill.

Mr. PERKINS. That is the understanding of your committee, Mr. President.

The VICE-PRESIDENT. The reading of the bill will be resumed.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 6, after line 22, to insert:

For converting muzzle-loading field guns to breech-loading guns for saluting purposes, and for necessary mounts for the same, $5,250.

The amendment was agreed to.

The next amendment was, at the top of page 7, to insert:

Section 2 of the act approved May 19, 1882, authorizing the Secretary of War to issue, on the requisition of the governor of a State bordering on the sea or Gulf coast, and having a permanent camping ground for the enactment of the militia not less than six days annually, two heavy guns and four mortars, with carriages and platforms, for their instruction, and for the construction of a suitable battery for the cannon so issued, and appropriating $5,000 for each State to carry out the above-mentioned objects, is hereby repealed: *Provided*, That this repeal shall not affect the existing law regarding the disposition of the cannon and other stores already issued.

The amendment was agreed to.

The next amendment was, under the subhead "Fortifications in insular possessions," on page 8, after line 21, to strike out:

For construction of seacoast batteries in Hawaiian and Philippine islands, $600,000.

And insert:

For construction of seacoast batteries in the Hawaiian Islands, $100,000.

Mr. PERKINS. On behalf of the committee I move to strike out "one" and insert "two;" so as to read "two hundred thousand dollars."

The amendment to the amendment was agreed to.

Mr. BACON. I have not been following the reading of the bill, but we have had under discussion a good many times, as the Senator will remember, questions relating to the defense of the Philippine Islands.

Mr. PERKINS. This is for the Hawaiian Islands.

Mr. BACON. I thought it was for the Philippine Islands.

Mr. PERKINS. No. In accordance with the Senator's suggestion, we have thought that the Hawaiian Islands, being nearer to us and dearer to us and being a Territory of our Government, they should be divorced from any association, so far as this appropriation is concerned, with the Philippine Islands.

Mr. BACON. I think the committee has acted with entire wisdom and propriety. I hope they will continue to be divorced; and I should like to have the divorce made not simply temporary, but permanent.

Mr. PERKINS. That question is now pending in the court of public opinion.

Mr. BACON. I should like to inquire of the Senator, if I do not trespass too far upon his time——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Georgia?

Mr. PERKINS. With great pleasure.

Mr. BACON. I was not following the reading of the bill. I only caught this appropriation, which arrested my attention. I will inquire whether there is in the bill an appropriation for the fortification of any part of the Philippine Islands?

Mr. PERKINS. Yes; $500,000, in the Bay of Manila only.

Mr. BACON. Is it limited to that?

Mr. PERKINS. That is about 5 per cent of what was asked for.

Mr. BACON. I have no criticism to make upon that at all. I was simply going to suggest the propriety of a limitation as to the place as well as to the amount.

Mr. PERKINS. The Senator will note that the committee, having in view the wishes of the Senator from Georgia, has on page 7, provided for the Philippine Islands, and has directed that the fortifications shall be made in the harbor of Manila. I am sure the provision will meet with the approval of my friend the Senator from Georgia.

Mr. BACON. The limitation does, entirely.

The VICE-PRESIDENT. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, at the top of page 9, to insert the following:

For construction of seacoast batteries at Manila, in the Philippine Islands, $500,000.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE N. JULIAN.

Mr. GALLINGER. I ask for the present consideration of the bill (S. 7998) granting an increase of pension to George N. Julian. This is a very urgent and meritorious case.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to strike out "and assistant inspector-general;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George N. Julian, late captain Company E, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MONONGAHELA RIVER BRIDGE.

Mr. PENROSE. I ask unanimous consent for the present consideration of the bill (H. R. 20988) to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903.

The Secretary read the bill; and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS IN PENNINGTON COUNTY, S. DAK.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (H. R. 23927) excepting certain lands in Pennington County, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves."

Mr. CULLOM. It will not take any time?

Mr. KITTREDGE. It will not take any time.

Mr. KEAN. It is a very short bill and will take no time.

The Secretary read the bill; and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BLACKFEET INDIAN RESERVATION LANDS.

Mr. CLARK of Montana. I ask unanimous consent for the present consideration of the bill (S. 7674) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement. A bill with the same object in view passed both Houses of Congress last year and was vetoed by the President.

Mr. KEAN. Will it occasion any discussion, I will ask the Senator?

Mr. CLARK of Montana. I am sure it will not. It passed both Houses of Congress last year and was objected to by the President and vetoed by him. We have, I am satisfied, covered the objectionable features, so that it will be all right.

Mr. CULLOM. It is a pretty long bill. I rose to move an executive session, but if it will not take any considerable time, I have no objection to yielding.

Mr. LODGE. Did I understand the Senator from Montana to state that the only objection that has ever been made to this bill is that the President vetoed it?

Mr. CLARK of Montana. It was vetoed by the President on account of the fact, as he deemed, that it did not afford sufficient protection to the water rights of the Indians. But I am satisfied that that objection has been covered, and the bill is unanimously approved by the committee.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 2, page 1, line 8, before the word "Blackfeet," to insert "said;" and on page 2, line 2, before the word "may," to insert "who;" so as to read:

That so soon as all the lands embraced within the said Blackfeet Indian Reservation shall have been surveyed the Commissioner of Indian Affairs shall cause allotments of the same to be made under the provisions of the allotment laws of the United States to all persons having tribal rights or holding tribal relations and who may rightfully belong on said reservation.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 5, before the word "acres," to strike out "forty" and insert "eighty;" so as to read:

That there shall be allotted to each member 40 acres of irrigable land and 280 acres of additional land valuable only for grazing purposes

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 7, before the word "acres," to strike out "two hundred and eighty" and insert "three hundred and twenty;" and in line 9, after the word "and," to strike out the following:

for the irrigable lands allotted there is hereby reserved out of the waters of the reservation sufficient to irrigate said irrigable lands, and the United States shall and does hold said reserved water in trust as appurtenant to the lands so allotted for the trust period named in the patent to be issued: *Provided*, That subject to such reservation of water to irrigate the irrigable lands aforesaid, and subject to a like reservation for the Indians of the Fort Belknap and the Fort Peck Indian Reservations in said State of Montana, all waters of the streams in or bordering that portion of said State lying north of the Missouri and Marias rivers and Birch Creek and east of the summit of the Rocky Mountains shall hereafter be subject to appropriation and use under the laws of Montana, notwithstanding any implied reservation to the contrary in an agreement ratified by the act of Congress entitled "An act to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana, and for other purposes," approved May 1, 1888, or any act supplementary thereto, and the reservation of waters for the use and benefit of the Indians

shall only extend to water while actually and necessarily being used by them for irrigation on their said irrigable lands or for domestic purposes.

And to insert:

for constructing irrigating systems to irrigate the aforesaid allotted lands, the limit of the cost of which is hereby fixed at $300,000, $100,000 of which shall be immediately available, the cost of said entire work to be reimbursed from the proceeds of the sale of the lands within said reservation: *Provided*, That such irrigation system shall be constructed and completed, and held and operated, and water therefor appropriated under the laws of the State of Montana, and the title thereto, until otherwise provided by law, shall be in the Secretary of the Interior in trust for the said Indians, and he may sue and be sued in matters relating thereto: *And provided further*, That the ditches and canals of such irrigation systems may be used, extended, or enlarged for the purpose of conveying water by any person, association, or corporation under and upon compliance with the provisions of the laws of the State of Montana: *And provided further*, That when said irrigation systems are in successful operation the cost of operating the same shall be equitably apportioned upon the lands irrigated, and, when the Indians have become self-supporting, to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work done in their behalf within thirty years, suitable deduction being made for the amounts received from the disposal of the lands within the reservation aforesaid.

So as to read:

Or at the option of the allottee the entire 320 acres may be taken in land valuable only for grazing purposes, respectively, and for constructing irrigating systems to irrigate the aforesaid allotted lands, etc.

The amendment was agreed to.

The next amendment was, in section 3, page 5, line 5, after the word "Indians," to strike out "one a resident citizen" and insert "and two resident citizens;" and in line 6, after the word "Montana," to strike out "and one a United States special Indian agent or Indian inspector of the Interior Department;" so as to make the section read:

SEC. 3. That upon the completion of said allotments the President of the United States shall appoint a commission consisting of three persons to inspect, appraise, and value all of the said lands that shall not have been allotted in severalty to said Indians or reserved by the Secretary of the Interior or otherwise disposed of, said commission to be constituted as follows: One commissioner shall be a person holding tribal relations with said Indians, and two resident citizens of the State of Montana.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE.

Mr. LONG. I ask unanimous consent for the present consideration of the bill (S. 7917) to authorize the Interstate Bridge and Terminal Railway Company, of Kansas City, Kans., to construct a bridge across the Missouri River.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment, on page 1, line 8, after the word "point," to insert "to be approved by the Secretary of War;" so as to make the section read:

That the Interstate Bridge and Terminal Railway Company, of Kansas City, Kans., a corporation organized under the laws of the State of Kansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railway and highway bridge and approaches thereto across the Missouri River from a point, to be approved by the Secretary of War, at or about 1 mile north of Kansas City, Kans., to a point opposite in the county of Platte, State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE L. DANFORTH.

Mr. KEAN. I ask for the present consideration of the bill (S. 7427) granting an increase of pension to George L. Danforth. It will take but a moment and it is an urgent case. Some of my friends are interested in it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of George L. Danforth, late of Company C, Eighth Regiment Vermont Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PORT OF BRUNSWICK, GA.

Mr. CLAY. I ask unanimous consent to call up the bill (H. R. 21197) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, by extending the provisions of the first section thereof to the port of Brunswick, Ga.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ASSIGNMENT OF DISTRICT JUDGES.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. BACON. I hope the Senator will withhold the motion for just one minute.

Mr. CULLOM. I will withdraw it for a few moments.

Mr. BACON. There is a short bill which I reported back from the Judiciary Committee, with the unanimous approval of that committee, that I ask the Senate to take up. It is an important one, simply designed to expedite the transaction of the public business of the Federal courts. It will not take five minutes to pass it. The report of the committee accompanies the bill. I ask the Senate to proceed to the consideration of the bill (S. 7812) to amend section 591 of the Revised Statutes of the United States relative to the assignment of district judges to perform the duties of a disabled judge.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. BACON. There is an amendment reported by the committee to correct a verbal error in the printed bill, to strike out "of" and insert "by."

The VICE-PRESIDENT. The amendment will be stated.

The amendment was to strike out at the end of line 5 the word "of" and to insert "by;" so as to make the bill read:

Be it enacted, etc., That whenever in the case contemplated and provided for in section 591 of the Revised Statutes it shall be certified by the circuit judge, or in his absence, by the circuit justice of the circuit in which the district lies,, that for any sufficient reason it is impracticable to designate and appoint a judge of another district within the circuit to perform the duties of such disabled judge, the chief justice may, if in his judgment the public interests so require, designate and appoint the judge of any other district in another circuit to hold said courts and to discharge all the judicial duties of the judge so disabled, during such disability.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISSUANCE OF LAND PATENTS.

Mr. CARTER. Numerous Senators have expressed a desire to submit remarks on Senate resolution 214, relating to the issuance of patents on homestead entries, etc. I therefore ask that the resolution be laid before the Senate and be made the unfinished business.

The VICE-PRESIDENT. The Senator from Montana moves that the Senate proceed to the consideration of a resolution which will be stated.

The SECRETARY. Senate resolution 214, by Mr. CARTER, entitling duly qualified entrymen to a patent for land, etc.

The VICE-PRESIDENT. The question is on the motion of the Senator from Montana.

The motion was agreed to.

The VICE-PRESIDENT. The resolution is before the Senate.

Mr. CARTER. I ask that it be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the resolution be temporarily laid aside. Without objection, it is so ordered.

ASHLEY RIVER BRIDGE, SOUTH CAROLINA.

Mr. HALE obtained the floor.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. I rose to move an adjournment.

Mr. TILLMAN. There is a House bill that has been waiting here for some time which I would like to have the Senate consider.

Mr. HALE. I will yield, if there is no objection to it.

Mr. TILLMAN. I ask for the present consideration of the bill (H. R. 22135) authorizing the construction of a bridge across the Ashley River in the counties of Charleston and Colleton, S. C.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 30, 1907, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 29, 1907.

SURVEYOR OF CUSTOMS.

William Barnes, jr., of New York, to be surveyor of customs for the port of Albany, in the State of New York. (Reappointment.)

PROMOTION IN THE ARMY.

Infantry arm.

First Lieut. Clyffard Game, Eleventh Infantry, to be captain from January 24, 1907, vice Purdy, First Infantry, retired from active service.

PROMOTIONS IN THE NAVY.

Lieut. Edward H. Campbell to be a lieutenant-commander in the Navy from the 11th day of December, 1906, vice Lieut. Commander John A. Dougherty, promoted.

Asst. Paymaster Neal B. Farwell to be passed assistant paymaster in the Navy from the 3d day of August, 1906, vice Asst. Paymaster Clarence A. Holmes, who was due for promotion, but resigned before qualifying therefor.

POSTMASTERS.

ARIZONA.

J. Oscar Mullen to be postmaster at Tempe, in the county of Maricopa and Territory of Arizona, in place of John J. Hodnett, resigned.

ARKANSAS.

William E. Edmiston to be postmaster at Portland, in the county of Ashley and State of Arkansas. Office became Presidential January 1, 1907.

H. L. Throgmorton to be postmaster at Pocahontas, in the county of Randolph and State of Arkansas, in place of Josiah S. Anderson. Incumbent's commission expired December 15, 1906.

CALIFORNIA.

Charles Harris to be postmaster at Merced, in the county of Merced and State of California, in place of Charles Harris. Incumbent's commission expires February 16, 1907.

C. E. Lovelace to be postmaster at Oceanpark, in the county of Los Angeles and State of California, in place of Albert E. Meigs, resigned.

Alva L. Merrill to be postmaster at Kennett, in the county of Shasta and State of California. Office became Presidential January 1, 1907.

COLORADO.

William L. Williams to be postmaster at Fowler, in the county of Otero and State of Colorado. Office became Presidential January 1, 1907.

CONNECTICUT.

William J. McKendrick to be postmaster at New Canaan, in the county of Fairfield and State of Connecticut, in place of Stephen B. Hoyt, deceased.

Edward J. Stuart to be postmaster at Lakeville, in the county of Litchfield and State of Connecticut, in place of Hubert Williams, deceased.

ILLINOIS.

Samuel Baird to be postmaster at Carlyle, in the county of Clinton and State of Illinois, in place of William H. Norris. Incumbent's commission expired June 25, 1906.

Frederick P. Burgett to be postmaster at Keithsburg, in the county of Mercer and State of Illinois, in place of Frederick P. Burgett. Incumbent's commission expired January 23, 1907.

William T. Kay to be postmaster at Camp Point, in the county of Adams and State of Illinois, in place of George Y. Downing. Incumbent's commission expired January 7, 1907.

Charles C. Marsh to be postmaster at Bowen, in the county of Hancock and State of Illinois. Office became Presidential January 1, 1907.

David C. Swanson to be postmaster at Paxton, in the county of Ford and State of Illinois, in place of Andrew E. Sheldon. Incumbent's commission expired June 10, 1906.

INDIANA.

Rolla V. Claxton to be postmaster at French Lick, in the county of Orange and State of Indiana, in place of Rolla V. Claxton. Incumbent's commission expired December 20, 1906.

IOWA.

James M. Carl to be postmaster at Lone Tree, in the county of Johnson and State of Iowa, in place of James M. Carl. Incumbent's commission expires February 28, 1907.

Vellas L. Gilje to be postmaster at Elkader, in the county of Clayton and State of Iowa, in place of Gideon M. Gifford. Incumbent's commission expires February 9, 1907.

KENTUCKY.

William M. Catron to be postmaster at Somerset, in the county of Pulaski and State of Kentucky, in place of William M. Catron. Incumbent's commission expired January 6, 1907.

MAINE.

George H. Dunham to be postmaster at Island Falls, in the county of Aroostook and State of Maine. Office became Presidential January 1, 1907.

MICHIGAN.

Grant M. Morse to be postmaster at Portland, in the county of Ionia and State of Michigan, in place of Fred J. Mauren. Incumbent's commission expires February 7, 1907.

MINNESOTA.

John Y. Breckenridge to be postmaster at Pine City, in the county of Pine and State of Minnesota, in place of Lizzie E. Breckenridge. Incumbent's commission expired December 10, 1906.

Clement H. Bronson to be postmaster at Osakis, in the county of Douglas and State of Minnesota, in place of Harry C. Sargent. Incumbent's commission expired January 13, 1907.

David E. Cross to be postmaster at Amboy, in the county of Blue Earth and State of Minnesota, in place of David E. Cross. Incumbent's commission expired December 20, 1906.

Sarah Dahl to be postmaster at Cottonwood, in the county of Lyon and State of Minnesota. Office became Presidential October 1, 1906.

Eugene M. Harkins to be postmaster at Sherburn, in the county of Martin and State of Minnesota, in place of Eugene M. Harkins. Incumbent's commission expired April 5, 1906.

Julius E. Haycraft to be postmaster at Madelia, in the county of Watonwan and State of Minnesota, in place of Julius E. Haycraft. Incumbent's commission expired January 23, 1907.

MISSOURI.

Jesse B. Ross to be postmaster at Springfield, in the county of Greene and State of Missouri, in place of Jesse B. Ross. Incumbent's commission expired December 10, 1906.

NEBRASKA.

John W. Boden to be postmaster at Edgar, in the county of Clay and State of Nebraska, in place of James McNally, resigned.

James C. Elliott to be postmaster at West Point, in the county of Cuming and State of Nebraska, in place of James C. Elliott. Incumbent's commission expired January 22, 1907.

NEW JERSEY.

A. Henry Doughty to be postmaster at Haddonfield, in the county of Camden and State of New Jersey, in place of Theodore M. Giffin, removed.

NEW YORK.

Howard G. Britting to be postmaster at Williamsville, in the county of Erie and State of New York, in place of Howard G. Britting. Incumbent's commission expired January 22, 1907.

Louis Lafferrander to be postmaster at Sayville, in the county of Suffolk and State of New York, in place of Louis Lafferrander. Incumbent's commission expires February 26, 1907.

Fred O'Neil to be postmaster at Malone, in the county of Franklin and State of New York, in place of Fred O'Neil. Incumbent's commission expired December 9, 1906.

Emil A. Peterson to be postmaster at Falconer, in the county of Chautauqua and State of New York, in place of Herbert W. Davis. Incumbent's commission expires February 4, 1907.

Albert S. Potts to be postmaster at Cooperstown, in the county of Otsego and State of New York, in place of Albert S. Potts. Incumbent's commission expired January 7, 1907.

Oscar B. Stratton to be postmaster at Addison, in the county of Steuben and State of New York, in place of George W. Stratton. Incumbent's commission expired December 15, 1906.

Everett I. Weaver to be postmaster at Angelica, in the county

of Allegany and State of New York, in place of Everett I. Weaver. Incumbent's commission expires February 12, 1907.

NORTH CAROLINA.

Estella Cameron to be postmaster at Rockingham, in the county of Richmond and State of North Carolina, in place of Alexander M. Long, deceased.

NORTH DAKOTA.

George C. Chambers to be postmaster at Churchs Ferry, in the county of Ramsey and State of North Dakota, in place of George C. Chambers. Incumbent's commission expired December 10, 1906.

Willis H. Rogers to be postmaster at Hunter, in the county of Cass and State of North Dakota. Office became Presidential January 1, 1907.

John B. Spangler to be postmaster at Steele, in the county of Kidder and State of North Dakota. Office became Presidential January 1, 1907.

OHIO.

Lucius A. Austin to be postmaster at Granville, in the county of Licking and State of Ohio, in place of Lucius A. Austin. Incumbent's commission expired January 14, 1907.

J. Warren Prine to be postmaster at Ashtabula, in the county of Ashtabula and State of Ohio, in place of J. Warren Prine. Incumbent's commission expired January 13, 1907.

OKLAHOMA.

William H. Campbell to be postmaster at Anadarko, in the county of Caddo and Territory of Oklahoma, in place of William H. Campbell. Incumbent's commission expired December 20, 1906.

T. J. Molinari to be postmaster at Granite, in the county of Greer and Territory of Oklahoma, in place of Wilson C. Johnson. Incumbent's commission expired December 20, 1906.

OREGON.

Elmer F. Russell to be postmaster at North Bend, in the county of Coos and State of Oregon, in place of Louis J. Simpson, resigned.

PENNSYLVANIA.

Frank E. Baldwin to be postmaster at Austin, in the county of Potter and State of Pennsylvania, in place of Frank E. Baldwin. Incumbent's commission expired April 10, 1906.

Ross W. Nissley to be postmaster at Hummelstown, in the county of Dauphin and State of Pennsylvania, in place of David C. Rhoads, resigned.

VIRGINIA.

Oscar L. James to be postmaster at Abingdon, in the county of Washington and State of Virginia, in place of David C. Thomas, resigned.

WISCONSIN.

Edward A. Bass to be postmaster at Montello, in the county of Marquette and State of Wisconsin, in place of Edward A. Bass. Incumbent's commission expired January 23, 1907.

Calvin A. Lewis to be postmaster at Sun Prairie, in the county of Dane and State of Wisconsin, in place of Charles Hidden. Incumbent's commission expired March 10, 1906.

Charles E. Raught to be postmaster at South Kaukauna, in the county of Outagamie and State of Wisconsin, in place of Charles E. Raught. Incumbent's commission expired January 7, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 29, 1907.

SECRETARY OF LEGATION.

William H. Buckler, of Maryland, to be secretary of the legation of the United States at La Paz, Bolivia.

SURVEYOR OF CUSTOMS.

Thomas B. Stapp, of Tennessee, to be surveyor of customs for the port of Chattanooga, in the State of Tennessee.

APPOINTMENTS IN THE ARMY.

Artillery Corps.

Second Lieut. Harry L. Morse, Twenty-first Infantry, from the Infantry Arm to the Artillery Corps, with rank from June 9, 1904.

Infantry Arm.

Second Lieut John S. Davis, Artillery Corps, from the Artillery Corps to the Infantry Arm, with rank from June 9, 1904.

PROMOTIONS IN THE ARMY.

Cavalry Arm.

Lieut. Col. Peter S. Bomus, Sixth Cavalry, to be colonel from January 19, 1907.

Maj. Matthias W. Day, Fifteenth Cavalry, to be lieutenant-colonel from January 19, 1907.

Capt. John B. McDonald, detailed quartermaster, to be major from January 19, 1907.

PROMOTIONS IN THE NAVY.

Lieut. Henry B. Price to be a lieutenant-commander in the Navy from the 1st day of January, 1907.

Passed Asst. Paymaster John R. Hornberger, with the rank of lieutenant (junior grade), to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 30th day of July, 1906.

POSTMASTERS.

FLORIDA.

Mary B. Bishop to be postmaster at Eustis, in the county of Lake and State of Florida.

George F. Fernald to be postmaster at Tarpon Springs, in the county of Hillsboro and State of Florida.

John H. Hibbard to be postmaster at De Land, in the county of Volusia and State of Florida.

George E. Koons to be postmaster at Palmetto, in the county of Manatee and State of Florida.

MISSISSIPPI.

Thaddeus C. Barrier to be postmaster at Philadelphia, in the county of Neshoba and State of Mississippi.

John B. Collier to be postmaster at Leland, in the county of Washington and State of Mississippi.

Emma Harris to be postmaster at McHenry, in the county of Harrison and State of Mississippi.

Millicent R. McInnis to be postmaster at Moss Point, in the county of Jackson and State of Mississippi.

NEW YORK.

Jay Farrier to be postmaster at Oneida, in the county of Madison and State of New York.

Huet R. Root to be postmaster at Deruyter, in the county of Madison and State of New York.

OHIO.

Erwin G. Chamberlin to be postmaster at Caldwell, in the county of Noble and State of Ohio.

Charles C. Chappelear to be postmaster at Circleville, in the county of Pickaway and State of Ohio.

Don C. Corbett to be postmaster at Payne, in the county of Paulding and State of Ohio.

Uriah J. Favorite to be postmaster at Tippecanoe City, in the county of Miami and State of Ohio.

Edward P. Flynn to be postmaster at South Charleston, in the county of Clark and State of Ohio.

John M. Gallagher to be postmaster at Quaker City, in the county of Guernsey and State of Ohio.

Joseph E. Hall to be postmaster at Bucyrus, in the county of Crawford and State of Ohio.

William H. Hallam to be postmaster at National Military Home, in the county of Montgomery and State of Ohio.

Jacob C. Irwin to be postmaster at Degraff, in the county of Logan and State of Ohio.

William W. Johns to be postmaster at Bellville, in the county of Richland and State of Ohio.

Wirt Kessler to be postmaster at West Milton, in the county of Miami and State of Ohio.

Morgan Neath to be postmaster at Wadsworth, in the county of Medina and State of Ohio.

Rolla A. Perry to be postmaster at Plain City, in the county of Madison and State of Ohio.

Van R. Sprague to be postmaster at McArthur, in the county of Vinton and State of Ohio.

William H. Tucker to be postmaster at Toledo, in the county of Lucas and State of Ohio.

Joel P. De Wolf to be postmaster at Fostoria, in the county of Seneca and State of Ohio.

PENNSYLVANIA.

William F. Brittain to be postmaster at Muncy, in the county of Lycoming and State of Pennsylvania.

James S. Kennedy to be postmaster at Grove City, in the county of Mercer and State of Pennsylvania.

J. C. Lauffer to be postmaster at Portage, in the county of Cambria and State of Pennsylvania.

Luther P. Ross to be postmaster at Saxton, in the county of Bedford and State of Pennsylvania.

George C. Wagenseller to be postmaster at Selinsgrove, in the county of Snyder and State of Pennsylvania.

RHODE ISLAND.

Warren W. Logee to be postmaster at Pascoag, in the county of Providence and State of Rhode Island.